

FEDERAL REGISTER

VOLUME 19

1934

NUMBER 117

Washington, Thursday, June 17, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter F—Banks for Cooperatives [FCA Order 596]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATE ON LOANS IN CONTINENTAL U. S. AND PUERTO RICO

1. Section 70.4 and 70.5 are amended as follows:

§ 70.4 Interest rate on loans in the continental United States and in Puerto Rico for financing operations. The per annum rate of interest on loans made, other than upon the security of commodities, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act, as amended (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e) shall be as follows:

	Per centum rate
Bank for cooperatives:	
Springfield	3 1/4
Baltimore:	
Continental United States	3 1/4
Puerto Rico	3 1/4
Columbia	3 1/2
Louisville	3
New Orleans	3 1/4
St. Louis	3 1/4
St. Paul	3 1/4
Omaha	3 1/4
Wichita	3 1/4
Houston	3 1/4
Berkeley	3 1/4
Spokane	3 1/4
Central Bank	3 1/4

§ 70.5 Interest rates on loans in the continental United States and in Puerto Rico made upon the security of commodities or upon the security of Commodity Credit Corporation loan documents. The per annum rate of interest on all loans made upon the security of commodities or upon the security of Commodity Credit Corporation loan documents, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act, as amended (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), shall be as follows:

	Per centum rate
Bank for cooperatives:	
Springfield	2 3/4
Baltimore:	
Continental United States	2 3/4
Puerto Rico	2 3/4

Bank for cooperatives—Con.

	Per centum rate
Columbia	2 3/4
Louisville	2 3/4
New Orleans	2 3/4
St. Louis	2 3/4
St. Paul	2 3/4
Omaha	2 3/4
Wichita	2 3/4
Houston	2 3/4
Berkeley	2 3/4
Spokane	2 3/4
Central Bank	2 3/4

2. Section 70.7 is restated as follows:

§ 70.7 Interest rates on facility loans in the continental United States and in Puerto Rico. The per annum rate of interest on facility loans made for the purposes specified in section 7 (a) (2) of the Agricultural Marketing Act, as amended (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), shall be as follows:

	Per centum rate
Bank for cooperatives:	
Springfield	4 1/4
Baltimore:	
Continental United States	4 1/2
Puerto Rico	4 1/2
Columbia	4 1/2
Louisville	4
New Orleans	4 1/4
St. Louis	4 1/2
St. Paul	4 1/2
Omaha	4
Wichita	4 1/2
Houston	4 1/4
Berkeley	4 1/2
Spokane	4 1/2
Central Bank	4 1/4

(Sec. 8, 46 Stat. 14, sec. 54, 48 Stat. 266, 12 U. S. C. 1141f)

[SEAL]

R. B. TOOTELL,
Governor.

[F. R. Doc. 54-4609; Filed, June 16, 1954; 8:52 a. m.]

[FCA Order 597]

PART 71—LOAN POLICIES

LENDING LIMITS OF DISTRICT BANKS FOR COOPERATIVES

Section 71.1 is amended as follows:

§ 71.1 Lending limits of district banks for cooperatives. Except with the written approval of the Director of Cooperative Bank Service, the lending limits of each district bank for cooperatives are hereby

(Continued on p. 3539)

CONTENTS

Agricultural Marketing Service	Page
Proposed rule making:	
Handling requirements:	
Lemons grown in California and Arizona	3565
Potatoes, Irish, grown in Maine	3566
Rules and regulations:	
Oranges, grapefruit and tangerines grown in Florida; limitation of shipments (2 documents)	3559
Pears, fresh Bartlett, plums, and Elberta peaches grown in California; regulation by grades and sizes (5 documents)	3560-3562
Agriculture Department	
See Agricultural Marketing Service; Commodity Credit Corporation; Commodity Stabilization Service; Farmers Home Administration; Forest Service.	
Notices:	
Idaho; designation of area for production emergency loans	3591
Civil Aeronautics Board	
Notices:	
Bonanza Air Lines, Inc.; certificate renewal case	3591
Rules and regulations:	
Irregular air carrier and off-route rules; en route limitations	3563
Commodity Credit Corporation	
Notices:	
Chairmen of ASC Committees; delegation of authority of contracting officers in:	
Cotton-producing States	3591
Missouri	3591
Rules and regulations:	
Rice; 1954-crop loan and purchase agreement program	3540
Tobacco; 1954 loan program	3542
Commodity Stabilization Service	
Rules and regulations:	
Tobacco; marketing quota regulations 1955-56 marketing year:	
Burley and flue-cured	3549
Cigar-filler, and cigar-filler and binder (2 documents)	3543, 3547
Fire-cured, dark air-cured, and Virginia sun-cured	3553
Maryland	3556

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 14: Parts 1-399 (\$1.25)

Title 32: Part 700 to end (\$2.25)

Title 50 (\$0.55)

Previously announced: Title 3, 1953 Supp. (\$1.50); Titles 4-5 (\$0.60); Title 7: Part 900 to end (\$1.25); Title 8 (\$0.35); Title 9 (\$0.50); Titles 10-13 (\$0.50); Title 14: Part 400 to end (\$0.50); Title 16 (\$1.00); Title 17 (\$0.50); Title 18 (\$0.45); Title 20 (\$0.70); Titles 22-23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.45); Title 26: Parts 80-169 (\$0.50); Parts 170-182 (\$0.75); Parts 183-299, Revised 1953 (\$5.50); Part 300 to end, and Title 27 (\$1.00); Titles 28-29 (\$1.25); Titles 30-31 (\$1.00); Title 32: Parts 1-699 (\$1.75); Title 33 (\$1.25); Titles 35-37 (\$0.70); Title 39 (\$2.00); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.35); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.65); Parts 91-164 (\$0.45); Part 165 to end (\$0.60)

Order from
Superintendent of Documents, Government
Printing Office, Washington 25, D. C.

CONTENTS—Continued

Customs Bureau	Page
Rules and regulations:	
Examination and measurement of certain products; importations of petroleum products in bulk	3563

CONTENTS—Continued

Farm Credit Administration	Page
Rules and regulations:	
Loan interest rates and security; interest rate on loans in continental U. S. and in Puerto Rico	3537
Loan policies; lending limits of district banks for cooperatives	3537

Farmers Home Administration	
Rules and regulations:	
Refinancing of loan accounts; security servicing and liquidations; farm ownership and housing loans; debts owed to or insured by Farmers Home Administration	3539

Federal Communications Commission	
Proposed rule making:	
Amateur radio service; eligibility to hold amateur operator license	3588
Commercial radio operators; Eligibility to hold licenses or permits	3589
Restricted radiotelephone operator permits	3588
Remote pickup broadcast stations; frequency assignments	3584
Stations on shipboard in the Maritime Services; implementing Great Lakes Agreement	3585

Federal Power Commission	
Notices:	
Hearings, etc.:	
California Oregon Power Co.	3591
City of Tacoma, Wash.	3592
East Tennessee Natural Gas Co.	3591
Philadelphia Electric Co.	3592
Southern Utah Power Co. (2 documents)	3591
Texas Eastern Transmission Corp.	3592
Virginia Electric and Power Co.	3592

Food and Drug Administration	
Rules and regulations:	
Penicillin, chlortetracycline (or tetracycline) and bacitracin and drugs containing those substances, certification of; miscellaneous amendments	3563

Forest Service	
Rules and regulations:	
Land uses; rights-of-way for electric power transmission lines; transfer of easement	3565

Health, Education, and Welfare Department	
See Food and Drug Administration.	

Interior Department	
See Land Management Bureau; National Park Service.	

Interstate Commerce Commission	
Notices:	
Applications for approval of agreements:	
Augusta Pipe Line Co. et al.; transportation of refined petroleum products	3593

CONTENTS—Continued

Interstate Commerce Commission—Continued	Page
Notices—Continued	

Applications for approval of agreements—Continued	
Intercoastal Steamship Freight Association	3593
Applications for relief:	
Alcohol and related products from points in Louisiana to St. Louis, Mo., and East St. Louis, Ill.	3594
Coal from Kentucky and Virginia to Georgia	3595
Iron and steel articles from Texas to Florida	3594
Pulpboard or fiberboard, and paper boxes from Krannert, Ga., to Cairo, Ill., and Evansville, Ind.	3593
Pulpboard or fiberboard from Kalamazoo, Mich., to Jackson and Meridian, Miss.	3594
Soybean oil from Illinois, Indiana and Ohio to Toronto and Hamilton, Ont., and Montreal, Que.	3595
Zinc anodes and spelter from Amarillo and Machovec, Tex., to Illinois and Indiana	3594
Fort Worth and Denver Railway Co.; rerouting or diversion of traffic	3593

Land Management Bureau	
Notices:	
Alaska; shorespace restoration order	3590
Outer Continental Shelf; calling for nominations for areas to be offered for oil and gas leasing	3590

National Park Service	
Notices:	
Superintendent, National Capital Parks; delegations of authority	3590

Post Office Department	
Rules and regulations:	
International postal service; miscellaneous amendments (2 documents)	3564, 3565

Securities and Exchange Commission	
Notices:	
Connecticut River Power Co., and New England Electric System; proposed issuance and sale of short-term unsecured promissory notes to parent company and to banks	3592

Treasury Department	
See Customs Bureau.	

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6	Page
Chapter I:	
Part 70	3537
Part 71	3537

CODIFICATION GUIDE—Con.

Title 6—Continued	Page
Chapter III:	
Part 365.....	3539
Part 372.....	3539
Part 373.....	3539
Chapter IV:	
Part 421.....	3540
Part 464.....	3542
Title 7	
Chapter VII:	
Part 723 (2 documents).....	3543, 3547
Part 725.....	3549
Part 726.....	3553
Part 727.....	3556
Chapter IX:	
Part 933 (2 documents).....	3559
Part 936 (5 documents).....	3560-3562
Part 953 (proposed).....	3565
Part 970 (proposed).....	3566
Title 14	
Chapter I:	
Part 42.....	3563
Title 19	
Chapter I:	
Part 13.....	3563
Title 21	
Chapter I:	
Part 146a.....	3563
Part 146c.....	3563
Part 146e.....	3563
Title 36	
Chapter II:	
Part 251.....	3565
Title 39	
Chapter I:	
Part 127 (2 documents).....	3564, 3565
Title 47	
Chapter I:	
Part 4 (proposed).....	3584
Part 8 (proposed).....	3585
Part 12 (proposed).....	3588
Part 13 (proposed) (2 documents).....	3588, 3589

fixed so that loans to any one borrower outstanding at any time may not exceed the following percentages of the bank's combined capital, legal reserve, earned surplus, and reserve for contingencies:

- (a) Facility loans, 15 percent;
- (b) Operating capital loans, 20 percent;
- (c) Commodity loans (excluding loans secured by Commodity Credit Corporation documents), 25 percent;
- (d) The sum of facility and operating capital loans, 20 percent;
- (e) The sum of facility, operating capital, and commodity loans (excluding loans secured by Commodity Credit Corporation documents), 35 percent;

Provided, however, That a loan made within established limits, but which becomes excessive by virtue of a subsequent decrease in the bank's combined capital, legal reserve, earned surplus, and reserve for contingencies, may be retained and liquidated in an orderly manner.

(Secs. 34, 38, 48 Stat. 262, 264, 12 U. S. C. 1134j)

[SEAL]

R. B. TOOTELL,
Governor.

[F. R. Doc. 54-4610; Filed, June 16, 1954;
8:52 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.6]

PART 365—REFINANCING OF LOAN ACCOUNTS

PART 372—SECURITY SERVICING AND LIQUIDATIONS; FARM OWNERSHIP LOANS

PART 373—SECURITY SERVICING AND LIQUIDATIONS; FARM HOUSING LOANS

REFINANCING DEBTS OWED TO OR INSURED BY THE FARMERS HOME ADMINISTRATION

1. Sections 372.3 and 373.2 in Title 6 of the Code of Federal Regulations (14 F. R. 2081, 17 F. R. 4281) are revoked.

2. Subchapter E in Chapter III, Title 6, Code of Federal Regulations, is amended by adding to it Part 365, as follows.

Sec.

365.1 General.

365.2 Determining which borrowers should refinance.

365.3 Notice to borrowers.

365.4 Action subsequent to request if borrower fails to refinance.

AUTHORITY: §§ 365.1 to 365.4 issued under R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1065, sec. 510 (g), 63 Stat. 438, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (i), 42 U. S. C. 1480 (g), 40 U. S. C. 442 (c). Statutes interpreted or applied are cited to text in parentheses.

§ 365.1 General. All borrowers indebted on direct or insured Farm Ownership loans, Farm Housing loans, Production and Subsistence loans, or Water Facilities loans will be requested to refinance their accounts when it appears to the Farmers Home Administration that they have become able to obtain refinancing credit from responsible cooperative or private sources at reasonable rates and terms. The laws applicable to Farm Ownership, Farm Housing, and Production and Subsistence loans require such refinancing under certain conditions, and corresponding provisions are contained in the instruments which secure such loans.

(a) *Direct Farm Ownership or Farm Housing borrowers.* Such a borrower will be requested to refinance his indebtedness when it appears to the Farmers Home Administration that he has acquired sufficient equity in the farm which secures his loan to enable him to obtain credit for this purpose from a responsible cooperative or private source at rates not exceeding 5 percent per annum and on terms prevailing in the area.

(b) *Insured Farm Ownership borrowers.* Such a borrower will be requested to refinance his indebtedness when the conditions stated in paragraph (a) of this section have been met; provided, however, the request to the borrower to refinance may be delayed until the borrower has acquired sufficient equity in the farm to enable the insured creditor to refinance the loan on an uninsured basis under laws or regulations to which the creditor is subject.

(c) *Production and Subsistence borrowers and Water Facilities borrowers.* Such a borrower will be requested to refinance his indebtedness when it appears that, by reason of his progress in carry-

ing out the planned improvements in his farming operations or for any other reason, he is able to obtain refinancing credit from local sources at rates and terms prevailing in the area.

(Secs. 3 (b) (6) and (7), 12 (c) (4), 44 (b), 44 (c), as amended, 60 Stat. 1074, 1075, 1076, 1069, sec. 502 (b) (3), 63 Stat. 433, sec. 2 (f), 64 Stat. 99, sec. 3, 65 Stat. 198; 7 U. S. C. 1003 (b) (6) and (7), 1005b (c) (4), 1018 (b), (c), 42 U. S. C. 1472 (b) (3), 40 U. S. C. 440 (f))

§ 365.2 Determining which borrowers should refinance. The County Supervisor and the members of the County Committee shall keep currently informed with respect to the lending policies, rates, and terms (including requirements for security) of the various sources which furnish agricultural credit in the area. Once every year, not later than 90 days following the end of the crop year, the County Supervisor will refer to the County Committee the case of each borrower who appears to meet the conditions set forth in § 365.1 applicable to the borrower's type of loan. The County Committee will thoroughly consider the matter and furnish the County Supervisor with its recommendations. The County Supervisor will consider such recommendations and will determine whether the borrower shall be requested to refinance.

(Sec. 42 (d), 60 Stat. 1067, sec. 508 (b), 63 Stat. 436; 7 U. S. C. 1016 (d), 42 U. S. C. 1478 (b))

§ 365.3 Notice to borrowers. Except as otherwise provided in this section for insured Farm Ownership loans, each borrower whom the County Supervisor determines should seek refinancing will be requested in writing immediately by the County Supervisor to refinance his Farmers Home Administration account and to report to him within 60 days from the date of the request as to the progress made in arranging for refinancing, including information as to credit sources contacted and the reasons if the borrower is unable to obtain refinancing credit. The County Supervisor will refrain from attempting to influence borrowers in exercising their choices as to where they will obtain refinancing credit. In the case of an insured loan, a request to refinance, based on the annual review for that year, will not be sent to the borrower if the State Director determines that such delay is necessary to enable the insured creditor to qualify as a refinancing source available to the borrower.

(Sec. 3, 65 Stat. 198; 7 U. S. C. 1018 (c))

§ 365.4 Action subsequent to request if borrower fails to refinance. At the expiration of 60 days following the date of a request to refinance sent to the borrower in accordance with § 365.3, if the borrower has not reported that he has arranged to refinance his Farmers Home Administration account, the County Supervisor will proceed as provided in this section. In this connection, the County Supervisor may contact the credit sources which have been or reasonably could have been approached by the borrower.

(a) *Cases to be referred to State Director.* In the case of any Farm Owner-

ship loan which was approved subsequent to October 31, 1946, or a Farm Housing loan, or a Production and Subsistence loan, if the County Supervisor determines that the borrower could have refinanced the loan at an interest rate not in excess of 5 percent per annum, the County Supervisor will submit to the State Director a complete report of the case, together with his recommendations.

(b) *Cases not to be referred to State Director.* The County Supervisor will not refer to the State Director, solely because of the borrower's failure to refinance: Farm Ownership cases involving only loans approved prior to November 1, 1946; or Water Facilities loans; or Production and Subsistence loans which the County Supervisor determines could not have been refinanced at a rate of interest not exceeding 5 percent per annum. In such cases, during supervisory and servicing contacts further encouragement will be given to the borrowers to refinance their loans with a view of assuring a continuous voluntary graduation of successful borrowers to other credit sources.

(c) *Action by State Director.* The State Director will review each case submitted to him and determine what further action shall be taken. If the State Director determines that the circumstances justify not requiring the borrower to refinance the loan immediately, he will instruct the County Supervisor to inform the borrower in writing that the Farmers Home Administration will not insist during the remainder of the year that the borrower obtain refinancing. Otherwise, the State Director will notify the borrower in writing that within 30 days from the date of the notice the borrower must make definite arrangements to refinance his loan or must furnish satisfactory written evidence showing that he is unable to obtain such credit. If the borrower fails to comply with the 30-day notice, the State Director will refer the case for legal action.

(Secs. 3 (b) (6) and (7), 12 (c) (4), 44 (b), 44 (c), as amended, 60 Stat. 1074, 1075, 1076, 1069, sec. 502 (b) (3), 63 Stat. 433, sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1003 (b) (6) and (7), 1005b (c) (4), 1018 (c) (c), 42 U. S. C. 1472 (b) (3), 40 U. S. C. 440 (f))

Issued this 11th day of June 1954.

[SEAL] R. B. McLEISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-4597; Filed, June 16, 1954;
8:49 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1,
Supp. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1954-Crop of Rice. The

1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967 and 1595) issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954, is supplemented as follows:

Sec.
421.576 Purpose.
421.577 Availability of price support.
421.578 Eligible rice.
421.579 Warehouse receipts.
421.580 Determination of quantity.
421.581 Determination of quality.
421.582 Maturity of loans.
421.583 Support rates.
421.584 Warehouse charges.
421.585 Settlement.

AUTHORITY: §§ 421.576 to 421.585 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.576 *Purpose.* Sections 421.576 to 421.585 state additional specific requirements which, together with the general requirements, contained in the 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967 and 1595) apply to loans and purchase agreements under the 1954-Crop Rice Price Support Program.

§ 421.577 *Availability of price support—(a) Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available on eligible rice produced in the States of Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, South Carolina, Tennessee and Texas.

(c) *Where to apply.* Application for rice price support must be made at the office of the ASC county committee which keeps the farm-program records for the farm. In the case of eligible Cooperative Marketing Associations of Producers, application for price support shall be made in the county where the main office of the Cooperative Marketing Association of Producers is located or in such other county as the ASC State committee determines the application can be more expeditiously handled.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1955, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. A separate purchase agreement application must be made for each class or variety of rice to be placed under a purchase agreement.

(e) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rice in 1954 or having an interest in a 1954 rice crop as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm, a tenant operating a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop.

(2) Cooperative Marketing Associations of Producers shall be eligible for warehouse-storage loans and purchase agreements on eligible rice produced by eligible producer members: *Provided, That:*

(i) The terms and conditions under which producer members' rice is marketed through the association are set out in a Uniform Marketing Agreement and are applicable to all rice delivered to the association by producer members.

(ii) The major part of the rice marketed by the association is produced by members who are eligible producers.

(iii) The members share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association.

(iv) The association has authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(3) The following special conditions of price support shall apply to cooperative marketing associations of producers:

(i) The association must maintain a record of the total quantity of rough rice acquired by or delivered to the association from all sources, and a separate record of the quantity of eligible rice delivered to the association by eligible producer members. The books of the association shall be made available to CCC for inspection at all reasonable times through May 1, 1960.

(ii) Rice placed under loan by the association must be stored separately from all other rice and kept separately stored until redeemed from the loan or delivered to CCC.

(iii) Rice delivered by the association to CCC under purchase agreements must have been physically segregated at all times from any rice under loan, any rice obtained from other than producer members, and from any ineligible rice. Where a member and a nonmember have a joint interest in the growing crop, this requirement shall apply from the time of physical division of the harvested crop.

§ 421.578 *Eligible rice.* At the time the rice is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rice must have been produced in 1954 in the States of Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, or Texas.

(b) The beneficial interest in the rice must be in the person tendering the rice for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested. In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer members who delivered the rice to the association and must always have been in them or in them and former producers whom they succeeded before the rice was harvested.

(c) In accordance with the Official Standards of the United States for Rough Rice, the rice may be of any class other than "mixed rough rice."

(d) The rice must (1) grade U. S. No. 5 or better (rice of special grades shall

not be eligible rice); and (2) contain not more than 14 percent moisture.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State committee.

§ 421.579 *Warehouse receipts.* Warehouse receipts, representing rice in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section.

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement (CCC Form 26, Revised). The receipts must be negotiable and must cover eligible rice actually in store in the warehouse. Under the Uniform Rice Storage Agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity-preserved" or "modified commingled." In the case of rice stored identity preserved, the warehouseman is not a guarantor but is required to redeliver the identical rice on which the warehouse receipt was issued. In the case of rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice of two or more owners is stored together in one lot the identity of which the warehouseman is required to maintain.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured in accordance with CCC Form 26, Revised "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse, and undamaged. The insurance on rice with respect to which the warehouseman guarantees quality and quantity (hereinafter called commingled rice) must be obtained by the warehouseman. Insurance on modified commingled rice must be obtained by the warehouseman. Insurance on identity-preserved rice must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) A supplemental certificate (CCC Rice Form B, Supplement) showing in addition to other information required,

the variety, grade, milling yield, moisture and weight, shall be executed in duplicate by the warehouseman and accompany each warehouse receipt covering commingled rice. A supplemental certificate shall be executed in duplicate by the warehouseman and the producer and shall accompany each warehouse receipt covering modified commingled rice. A supplemental certificate signed by the producer shall accompany each warehouse receipt covering identity-preserved rice, unless all the information called for on the supplemental certificate is shown on the warehouse receipt and the official inspection certificate. When the warehouse receipt represents identity-preserved rice, the producer's responsibility will be as stated in § 421.415 of the 1954 CCC Grain Price Support Bulletin 1. The producer's responsibility for modified commingled rice shall be the same as stated in § 421.415 of 1954 CCC Grain Price Support Bulletin 1 for farm-stored and identity-preserved rice except that he shall not be responsible for quantity.

(d) A separate warehouse receipt must be submitted for each class or variety, grade, and milling yield of rice.

(e) Warehouse receipts must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges on the rice represented by this warehouse receipt have been paid or otherwise provided for through April 30, 1955, and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of this warehouse receipt.

§ 421.580 *Determination of quantity.*

(a) Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan or delivered under a farm-storage loan, an identity-preserved warehouse storage loan or under a purchase agreement shall be determined by weight.

(b) In determining the quantity of sacked rice by weight, a deduction of $\frac{3}{4}$ of a pound for each 100 pounds of gross weight will be made.

(c) When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of the quantity determined for 45 pound rice:

For rice testing:	Percent
45 pounds or over.....	100
44 pounds or over, but less than 45 pounds.....	98
43 pounds or over, but less than 44 pounds.....	96
42 pounds or over, but less than 43 pounds.....	93
41 pounds or over, but less than 42 pounds.....	91
40 pounds or over, but less than 41 pounds.....	89

Proportionately lower for rice testing below 40 pounds.

(d) In the case of commingled rice, loans will be made and settlement with the producer will be made on 100 percent of the quantity of rice determined in accordance with this section, based on the quantity shown on the warehouse receipt or the supplemental certificate. In all other cases, loans will be made on 95 percent of the quantity of rice determined in accordance with this section, and at the time of delivery settlement will be made on the basis of the actual quantity of rice delivered, except that in the case of modified commingled rice settlement with the producer will be made on the basis of 100 percent of the quantity shown on the warehouse receipt or the supplemental certificate.

§ 421.581 *Determination of quality.* (a) The class, grade, grade factors, milling yield and all quality factors shall be determined in accordance with the methods set forth in the official United States Standards for Rough Rice.

(b) In the case of commingled rice, loans will be made and settlement with the producer will be on the basis of the quality shown on the warehouse receipt or supplemental certificate. In all other cases, loans will be made on the basis of quality shown on an official (Federal or Federal-State) sample inspection certificate, based on a representative sample drawn by the ASC county committee for each lot of rice at the time application is made for the loan, and settlement with the producer will be on the basis of quality determined by a Federal or Federal-State lot inspection certificate dated subsequent to April 15, 1955, and submitted by the producer at the time of delivery of the rice to CCC. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the delivery of rice to CCC will be for the account of the producer.

§ 421.582 *Maturity of loans.* Loans mature on demand but not later than April 30, 1955.

§ 421.583 *Support rates.* Loans will be made and rice delivered under purchase agreements will be purchased at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate for 100 pounds of rough rice in approved storage and with all accrued charges paid through April 30, 1955, shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE¹

Group	Rough rice class or variety	Head rice	Broken rice
I.....	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).		
II.....	Blue Bonnet, Nira, Rexark and Century Patna.		
III.....	Fortuna, R. N., and Edith.		
IV.....	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude and Lady Wright.		
V.....	Pearl, Calrose, Early Proline, Calady, and other varieties.		

¹ The value factors will be published as an amendment to this section shortly after Aug. 1, 1954.

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rough rice:

Grade U. S. No. 1: Premium of 20 cents per 100 pounds.

Grade U. S. No. 2: Premium of 10 cents per 100 pounds.

Grade U. S. No. 3: Discount of 5 cents per 100 pounds.

Grade U. S. No. 4: Discount of 20 cents per 100 pounds.

Grade U. S. No. 5: Discount of 40 cents per 100 pounds.

(c) *Location differentials.* For rice produced in the following areas, discounts for location shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any paragraph in accordance with paragraph (b) of this section:

Area:	Discount per 100 pounds
State of Florida.....	\$0.82
State of South Carolina and Georgia.....	.77
Imperial County, Calif., and adjacent counties in Arizona and California.....	.96

§ 421.584 Warehouse charges. (a) There shall be no storage allowance on rice placed under loan or delivered to CCC under a purchase agreement. CCC will not assume any warehouse charges accruing prior to May 1, 1955, except that on rice under loan or purchase agreement stored in an approved warehouse and delivered to CCC in such approved storage, CCC will refund to the producer an amount computed at the rate of 7 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer. In the case of sacked identity-preserved rice delivered to CCC under warehouse storage loan, CCC, in lieu of making a refund to the producer for receiving and loading out charges, will assume unloading, weighing, inspection, and repiling charges up to, but not in excess of, the amount computed as compensation to the producer for receiving and loading out charges.

(b) Warehouse receipts representing rice under loan or delivered to CCC under a purchase agreement must be endorsed by the warehouseman as provided in § 421.579 (e).

§ 421.585 Settlement—(a) Farm-storage and identity-preserved warehouse-storage loans. (1) In the case of rice delivered to CCC from farm-storage or identity-preserved warehouse-storage under the loan program, settlement will be made at the applicable support rate for the grade and quality of the total quantity of rice delivered. The Producer shall, at his expense, furnished to the county committee at the time of delivery official weight certificates and Federal or Federal-State lot inspection certificates dated subsequent to April 15, 1955. If the producer fails to furnish such weight and inspection certificates and does not pay off his loan, the county committee shall order the rice weighed up and inspected, pay the costs of such weighing and inspection, and charge such costs to the producer when making settlement.

(2) If the rice under farm-storage or identity-preserved warehouse-storage loan is upon delivery of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and milling yield placed under loan and the market price of the rice delivered as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(b) *Modified commingled warehouse-storage loans.* (1) In the case of rice delivered to CCC from modified commingled warehouse-storage under the loan program, settlement will be made at the applicable support rate for the grade and quality of the rice delivered and for the quantity shown on the warehouse receipt. The producer shall at his own expense furnish to the county committee at the time of delivery of the rice to CCC a Federal or Federal-State lot inspection certificate dated subsequent to April 15, 1955, covering the lot of rice delivered which must have been taken from the modified commingled lot against which the warehouse receipt representing the rice under loan was issued. If the producer fails to furnish such inspection certificate and does not pay off his loan, the county committee shall order the rice inspected, pay the cost of such inspection, and charge such costs to the producer when making settlement.

(2) If the rice under modified commingled warehouse storage is upon delivery of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and milling yield placed under loan and the market price of the rice delivered, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(c) *Commingled warehouse storage loans.* Settlement will be made with the producer at the applicable support rate for the quantity and quality of rice shown

on the warehouse receipt and accompanying documents.

(d) *Purchase agreements.* Eligible rice will be purchased at the support rate applicable to the grade of the rice determined on the basis of an official Federal or Federal-State lot inspection certificate dated subsequent to April 15, 1955.

Issued this 14th day of June 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-4628; Filed, June 16, 1954;
8:57 a. m.]

PART 464—TOBACCO

SUBPART—1954 TOBACCO LOAN PROGRAM

Statement with respect to the tobacco price support loan program for the 1954-55 marketing year—1954 crop—formulated by the Commodity Credit Corporation and Commodity Stabilization Service (hereinafter referred to, respectively, as "CCC" and "CSS").

Sec.	
464.601	Administration.
464.602	Level of loans.
464.603	Availability of price support.
464.604	Deduction from loans.
464.605	Interest rate, recourse, and distribution of net gains.
464.606	Maturity date.
464.607	Eligible producer.
464.608	Eligible tobacco.

AUTHORITY: §§ 464.601 to 464.608 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, sec. 2, 59 Stat. 506; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1312 note.

§ 464.601 Administration. (a) This program will be administered by the Tobacco Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations or other responsible organizations (hereinafter referred to as "associations") under contract with CCC, acting for groups of producers. The names of such associations may be obtained from the Tobacco Division, CSS, United States Department of Agriculture, Washington 25, D. C.

(b) CCC will make loans to associations which in turn will make advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also advances for services performed in receiving, packing, storing, and marketing of tobacco pledged for loan. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 464.602 Level of loans. (a) As required by statute, the level of price support to eligible producers shall be 90 percent of the respective parity prices on those types of tobacco for which marketing quotas are in effect or have not been disapproved, except that fire-cured and dark air-cured (including Virginia sun-cured) tobacco shall be supported at 75 percent and 66½ percent, respectively of the level for Burley tobacco. There

is shown in paragraph (b) of this section the percentage of the parity price and the cents-per-pound loan level for each type or kind of tobacco based on the parity price as of March 31, 1954, which were announced on April 29, 1954, as the minimum loan levels for the 1954 crop. The cents-per-pound loan levels will be computed again as of the beginning of the marketing year, which is July 1, 1954, for flue-cured, and October 1, 1954, for the other kinds of tobacco. Price support will be made available to eligible producers on the 1954 crop of each type or kind of tobacco at the higher of (1) the cents-per-pound level shown in paragraph (b) of this section, or (2) the level computed as of the beginning of the marketing year. Schedules of loan rates by grades for each type or kind of tobacco will be announced as supplements to this statement after the parity price as of the beginning of the marketing year is known.

(b) The loan level for Puerto Rican tobacco, type 46, shall be 90 percent of the parity price as of October 1, 1954, the beginning of the marketing year. Price support will not be available on Pennsylvania Seedleaf tobacco, type 41, and Maryland tobacco, type 32, because marketing quotas have been disapproved by producers.

	1954 percent of parity level	1954 minimum loan level
Flue-cured, types 11-14.....	90.....	47.9
Burley, type 31.....	90.....	46.4
Fire-cured, types 21-23.....	75 percent of burley rate.	34.8
Dark air-cured, types 35-36.....	60% percent of burley rate.	30.9
Virginia sun-cured, type 37.....	60% percent of burley rate.	30.9
Puerto Rican, type 46.....	90.....	(7)
Cigar filler and binder.....	90.....	(38.7)
Ohio filler, types 42-44.....		25.1
Connecticut broadleaf, type 51.....		53.8
Connecticut Havana seed, type 52.....		51.5
New York and Pennsylvania Havana seed, type 53.....		25.7
Southern Wisconsin, type 54.....		25.1
Northern Wisconsin, type 55.....		31.9

¹ The cents-per-pound loan level for the 1954 crop of Puerto Rican tobacco, type 46, will be announced based on the parity price as of Oct. 1, 1954.

§ 464.603 Availability of price support. Price support to eligible producers will be provided in the following manner:

(a) **Auction market area.** The producer will deliver the tobacco to an auction warehouse in the usual manner. The producer generally will receive the advances from the warehouseman for any tobacco placed under loan by the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman, in turn, will be reimbursed by the association with funds borrowed from CCC.

(b) **Non-auction market area.** Producers in non-auction market areas will deliver tobacco to central receiving points designated by the appropriate association. The producer will receive the advance directly from the association for any tobacco pledged for loans after the

tobacco has been graded by U. S. D. A. inspectors.

(c) **Period of loans.** No advances will be made to producers on tobacco tendered for loan prior to or after the dates set forth below:

	Earliest date	Latest date
Flue-cured.....	July 1, 1954	Feb. 28, 1955
Burley.....	Nov. 1, 1954	Apr. 30, 1955
Fire-cured.....	do.....	do.....
Dark air-cured.....	do.....	do.....
Virginia sun-cured.....	do.....	do.....
Puerto Rican.....	Feb. 1, 1955	Sept. 30, 1955
Cigar filler and binder.....	Sept. 1, 1954	July 31, 1955

§ 464.604 Deduction from loans. The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas will be authorized to charge the producer a fee of 12 cents per hundred pounds. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehouseman under which he will collect such charges and remit to the association. In the non-auction market areas, the fee will be established at a rate commensurate with the relative cost of the services performed by the association.

§ 464.605 Interest rate, recourse, and distribution of net gains. The loans made to the associations will bear interest at the rate of 3½ percent per annum and be non-recourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the loan contract. Tobacco loses its identity as to original ownership through commingling in the packing process and individual producers may not redeem their tobacco once it has been pledged for loan. All proceeds of sales of the loan collateral are applied to the loan account until the loan is repaid in full. After all of the tobacco of one crop year pledged for loan by an association is marketed and the loan fully repaid, any net gains will be distributed in cash by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

§ 464.606 Maturity date. Loans made under the program will mature on demand or on a date specified by CCC.

§ 464.607 Eligible producer. (a) An eligible producer is one for whom a "Within Quota" Marketing Card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the 1954-55 marketing year.

(b) As Puerto Rican tobacco is not under U. S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 464.608 Eligible tobacco. Eligible tobacco shall be U. S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) of the 1954 crop which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regula-

tions on a valid memorandum of sale issued from a "Within Quota" Marketing Card, where marketing quotas are in effect; (b) has been delivered to the association by the producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type for which a loan level is provided in § 464.602; and (e) is free and clear of any and all liens and encumbrances.

Issued this 14th day of June 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-4629; Filed, June 16, 1954; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[1023 (Cigar-Filler and Binder-55)-1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS, 1955-56 MARKETING YEAR

GENERAL

- Sec.
723.611 Basis and purpose.
723.612 Definitions.
723.613 Extent of calculations and rule of fractions.
723.614 Instructions and forms.
723.615 Applicability of §§ 723.611 to 723.628.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

- 723.616 Determination of 1955 base acreages and 1955 preliminary acreage allotments for old farms.
723.617 1955 old farm tobacco acreage allotment.
723.618 Adjustment of acreage allotments for old farms.
723.619 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
723.620 Reallocation of allotments released from farms removed from agricultural production or shifted from production of cigar-filler and binder (types 42-55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.

- 723.621 Farms divided or combined.
723.622 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

- 723.623 Determination of acreage allotments for new farms.
723.624 Time for filing application.
723.625 Determination of normal yields.

MISCELLANEOUS

- 723.626 Determination of acreage allotments and normal yields for farms returned to agricultural production or shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-filler and binder (types 42-44, 51-55) tobacco.
723.627 Approval of determinations made under §§ 723.611 to 723.626.
723.628 Application for review.

AUTHORITY: §§ 723.611 to 723.628 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.611 *Basis and purpose.* The regulations contained in §§ 723.611 to 723.628 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1955 farm acreage allotments and normal yields for cigar-filler and binder tobacco. The purpose of the regulations in §§ 723.611 to 723.628 is to provide the procedure for allocating, on an acreage basis, the State acreage allotment for cigar-filler and binder tobacco for the 1955-56 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.611 to 723.628, public notice (19 F. R. 2452) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.611 to 723.628 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.612 *Definitions.* As used in §§ 723.611 to 723.628, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm ma-

chinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(d) "New farm" means a farm on which tobacco will be produced in 1955 for the first time since 1949.

(e) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1950 through 1954.

(f) "Cropland" means farm land which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(g) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(h) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(j) "Tobacco" means (1) type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana; (2) type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana; (3) type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio; (4) type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut; (5) type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut; (6) type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State; (7) type 54 tobacco, that

type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or (8) type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco, as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.613 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 723.614 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out §§ 723.611 to 723.628. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 723.615 *Applicability of §§ 723.611 to 723.628.* Sections 723.611 to 723.628 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1955. The applicability of §§ 723.611 to 723.628 is contingent upon the proclamation of a national marketing quota for tobacco by the Secretary of Agriculture.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.616 *Determination of 1955 base acreages and 1955 preliminary acreage allotments for old farms.* (a) The base acreage for an old farm shall be the average of the 1954 farm acreage allotment determined pursuant to §§ 723.516 to 723.528, inclusive, given a weight of four, and the acreage harvested on the farm in 1954, given a weight of one: *Provided*, That if the 1954 harvested acreage is equal to 80 per centum of the 1954 tobacco acreage allotment for the farm but is not greater than the 1954 tobacco acreage allotment for the farm, the 1954 tobacco acreage allotment shall be the 1955 base acreage for the farm. The base acreage for an old farm may be increased or decreased if the community and county committees find that such

increase or decrease is necessary to establish a base acreage for such farm which is fair and equitable in relation to the base acreages for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the total of the base acreages, as increased or decreased, for all old tobacco farms in the county shall not exceed one hundred and two percent (102%) of the total of the base acreages for all old tobacco farms in the county prior to the making of any such increase or decrease: *And provided further*, That no base acreage shall be (1) increased above the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; (2) decreased below the smaller of the average acreage of tobacco harvested on the farm during the years 1953 and 1954 or the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; or (3) less than 0.1 acre.

(b) The preliminary acreage allotment for any old farm shall be the base acreage for the farm, as increased or decreased under paragraph (a) of this section.

§ 723.617 *1955 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.616 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.618 shall not exceed the State acreage allotment.

§ 723.618 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 723.616, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed two percent (or, if recommended by the State committee and approved by the Administrator, Commodity Stabilization Service, four percent) of the total acreage allotted to all tobacco farms in the State for the 1954-55 marketing year.

§ 723.619 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any

marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1955 shall be reduced, as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1955 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1955 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified in this paragraph. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1955 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The

actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a) or (b) of this section.

§ 723.620 *Reallocation of allotments released from farms removed from agricultural production or shifted from production of cigar-filler and binder (types 42-55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm. The provisions of this paragraph shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-filler and binder (types 42-44, 51-55) tobacco but which will be used in 1955 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be avail-

able to the State committee to establish allotments pursuant to § 723.626 (b).

§ 723.621 *Farms divided or combined.* (a) If land operated as a single farm in 1954 will be operated in 1955 as two or more farms, the 1955 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee and with State committee approval and agreement of the interested parties in writing, the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts (1) in the same proportion as the five-year average acreage of tobacco harvested on each such tract during the years 1950-54 bore to the five-year average acreage of tobacco harvested on the entire farm during 1950-54, or (2) if the farm to be divided in 1955 consists of two or more tracts which were separate and distinct farms, or distinct portions of such farms, before being combined for 1954, in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1955 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1954 are combined and operated in 1955 as a single farm, the 1955 allotment shall be the sum of the 1955 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1955 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 723.622 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1946-53 for which data are available, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.623 *Determination of acreage allotments for new farms.* (a) The

acreage allotment, other than an allotment made under § 723.620, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during one of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-filler and binder (types 42-44, 51-55) tobacco allotment is established for the 1955-56 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1955 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.624 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office not later than March 11, 1955, unless the farm operator was discharged from the armed services subsequent to December 31, 1954, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.625 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the

county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.626 *Determination of acreage allotments and normal yields for farms returned to agricultural production or shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-filler and binder (types 42-44, 51-55) tobacco.* (a) Notwithstanding the foregoing provisions of §§ 723.611 to 723.625, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1955 or which was returned to agricultural production in 1954 too late for the 1954 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1955 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) Notwithstanding the foregoing provisions of §§ 723.611 to 723.625, an allotment may be established by the county and State committees for a farm which in 1954 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-filler and binder (types 42-44, 51-55) tobacco will be produced in 1955. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.620 (b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county and State committees so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this

paragraph are eligible for consideration for adjustments under § 723.618.

(c) The normal yield for any such farm, under paragraph (a) or (b) of this section, shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 723.627 *Approval of determinations made under §§ 723.611 to 723.626.* All allotments and yields shall be reviewed by or on behalf of the State committee and the State committee may correct or require correction of any determinations made under §§ 723.611 to 723.626. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

§ 723.628 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the office of the ASC county office.

Done at Washington, D. C., this 14th day of June 1954. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[P. R. Doc. 54-4623; Filed, June 16, 1954;
8:55 a. m.]

[1023 (Cigar-Filler-55)-1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

MARKETING QUOTA REGULATIONS, CIGAR-FILLER TOBACCO, 1955-56 MARKETING YEAR

GENERAL

- Sec.
723.671 Basis and purpose.
723.672 Definitions.
723.673 Extent of calculations and rule of fractions.
723.674 Instructions and forms.
723.675 Applicability of §§ 723.671 to 723.688.
- HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS
- 723.676 Determination of harvested acreage for old farms.
723.677 Determination of 1955 base acreages and 1955 preliminary acreage allotments for old farms.
723.678 1955 old farm tobacco acreage allotment.
723.679 Adjustment of acreage allotments for old farms.
723.680 Reallocation of allotments released from farms removed from agricultural production.

- Sec.
723.681 Farms divided or combined.
723.682 Determination of normal yields.
- ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS
- 723.683 Determination of acreage allotments for new farms.
723.684 Time for filing application.
723.685 Determination of normal yields.

MISCELLANEOUS

- 723.686 Determination of acreage allotments and normal yields for farms returned to agricultural production.
723.687 Approval of determinations made under §§ 723.671 to 723.686.
723.688 Application for review.

AUTHORITY: §§ 723.671 to 723.688 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.671 *Basis and purpose.* The regulations contained in §§ 723.671 to 723.688 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1955 farm acreage allotments and normal yields for cigar-filler tobacco. The purpose of the regulations in §§ 723.671 to 723.688 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for cigar-filler tobacco for the 1955-56 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.671 to 723.688, public notice (19 F. R. 2452) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.671 to 723.688, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.672 *Definitions.* As used in §§ 723.671 to 723.688, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC

county office, or the person acting in such capacity.

(c) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(d) "New farm" means a farm on which tobacco will be produced in 1955 for the first time since 1949.

(e) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1950 through 1954.

(f) "Cropland" means farm land which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(g) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(h) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(j) "Tobacco" means cigar-filler tobacco, type 41, that type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf, Pennsylvania Broadleaf, Pennsylvania filler type, or Lancaster and York County filler type, and produced principally in Lancaster County, Pennsylvania, and the adjoining counties, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by ex-

amination of the tobacco. The term "tobacco" shall include all leaves harvested including trash.

§ 723.673 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 723.674 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out §§ 723.671 to 723.688. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 723.675 *Applicability of §§ 723.671 to 723.688.* Sections 723.671 to 723.688 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1955. The applicability of §§ 723.671 to 723.688 is contingent upon the proclamation of a national marketing quota for cigar-filler tobacco by the Secretary of Agriculture, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.676 *Determination of harvested tobacco acreage for old farms.* The county committee shall determine from the best available data the acreage of tobacco harvested on each old tobacco farm for each of the years 1950-54. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm. In determining the harvested acreage for any year, due allowance shall be made for drought, flood, hail, other abnormal weather conditions and plant bed and other diseases.

§ 723.677 *Determination of 1955 base acreages and 1955 preliminary acreage allotments for old farms.* (a) The base acreage for an old farm shall be the largest of the following:

(1) The average acreage of tobacco harvested on the farm in the five years 1950-54, except that if the five-year average is in excess of the three-year, 1952-54 average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average;

(2) 80 percent of the average acreage of tobacco harvested on the farm in the past three years 1952-54, or

(3) 45 percent of the acreage of tobacco harvested on the farm in 1954.

The base acreage for an old farm may be increased or decreased if the community and county committees find that such

increase or decrease is necessary to establish a base acreage for such farm which is fair and equitable in relation to the base acreages for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, or other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the total of the base acreages, as increased or decreased, for all old tobacco farms in the county shall not exceed one hundred and two percent (102 percent) of the total of the base acreages for all old tobacco farms in the county prior to the making of any such increase or decrease: *And provided further*, That no base acreage shall be (i) increased above the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; (ii) decreased below the smaller of the average acreage of tobacco harvested on the farm during the years 1952, 1953 and 1954 or the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; or (iii) less than 0.1 acre.

(b) The preliminary acreage allotment for any old farm shall be the base acreage for the farm, as increased or decreased under paragraph (a) of this section.

§ 723.678 *1955 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.677 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.679 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 723.679 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 723.678 the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage avail-

able for increasing allotments under this section shall not exceed two percent of the 1955 State acreage allotment.

§ 723.680 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in the State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 723.681 *Farms divided or combined.* (a) If land operated as a single farm in 1954 will be operated in 1955 as two or more farms, the 1955 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1950-54 five-year average acreage of tobacco harvested on each such tract bore to the 1950-54 five-year average of the acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1955 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts. (b) If two or more farms operated separately in 1954 are combined and operated in 1955 as a single farm, the 1955 preliminary allotment shall be the sum of the 1955 preliminary allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1955 in settling an estate, the preliminary

allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 723.682 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1946-53 for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.683 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 723.680, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during one of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-filler (type 41) tobacco allotment is established for the 1955-56 marketing year.

(c) The acreage allotments established as provided in this section shall be

subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1955 national marketing quota shall, when converted to an acreage allotment by use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.684 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office not later than March 11, 1955, unless the farm operator was discharged from the armed services subsequent to December 31, 1954, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.685 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.686 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 723.671 to 723.685, the preliminary acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production shall be the sum of the acreages of tobacco harvested on the farm during the five years 1950-54 divided by the number of years for which tobacco was harvested on the farm during such five-year period. If no tobacco was harvested on the farm during the five years 1950-54, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 723.687 *Approval of determinations made under §§ 723.671 to 723.686.* All allotments and yields shall be reviewed by or on behalf of the State committee and the State committee may correct or require correction of any determinations made under §§ 723.671 to 723.686. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

§ 723.688 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may,

within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

Done at Washington, D. C., this 14th day of June 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-4625; Filed, June 16, 1954; 8:56 a. m.]

[1023 (Burley and Flue-55)-1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1955-56 MARKETING YEAR

GENERAL

- | | |
|---------|---|
| Sec. | |
| 725.611 | Basis and purpose. |
| 725.612 | Definitions. |
| 725.613 | Extent of calculations and rule of fractions. |
| 725.614 | Instructions and forms. |
| 725.615 | Applicability of §§ 725.611 to 725.628. |

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

- | | |
|---------|---|
| 725.616 | Determination of 1955 preliminary acreage allotments for old farms. |
| 725.617 | 1955 old farm tobacco acreage allotment. |
| 725.618 | Adjustment of acreage allotments for old farms. |
| 725.619 | Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year. |
| 725.620 | Reallocation of allotments released from farms removed from agricultural production. |
| 725.621 | Farms divided or combined. |
| 725.622 | Determination of normal yields. |

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

- | | |
|---------|--|
| 725.623 | Determination of acreage allotments for new farms. |
| 725.624 | Time for filing application. |
| 725.625 | Determination of normal yields. |

MISCELLANEOUS

- | | |
|---------|--|
| 725.626 | Determination of acreage allotments and normal yields for farms returned to agricultural production. |
| 725.627 | Approval of determinations made under §§ 725.611 to 725.626. |
| 725.628 | Application for review. |

AUTHORITY: §§ 725.611 to 725.628 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363; 66 Stat. 597, 7 U. S. C. 1315.

GENERAL

§ 725.611 *Basis and purpose.* The regulations contained in §§ 725.611 to 725.628 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1955 farm acreage allotments and

normal yields for Burley and flue-cured tobacco. The purpose of the regulations in §§ 725.611 to 725.628 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for Burley and flue-cured tobacco for the 1955-56 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.611 to 725.628, public notice (19 F. R. 2453) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.611 to 725.628, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.612 *Definitions.* As used in §§ 725.611 to 725.628, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees:*

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(d) "New farm" means a farm on which tobacco will be produced in 1955 for the first time since 1949.

(e) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1950 through 1954.

(f) "Cropland" means farm land which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(g) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1954 into the total of the 1954 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(h) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(i) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(j) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(l) "Tobacco" means:

(1) Burley tobacco, type 31, or flue-cured tobacco types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either Burley or flue-cured tobacco shall be considered respectively either Burley or flue-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.613 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be

dropped. For example 1.051 would be 1.1 and 1.050 would be 1.0.

§ 725.614 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 725.615 *Applicability of §§ 725.611 to 725.628.* Sections 725.611 to 725.628 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1955, in the case of Burley tobacco, and July 1, 1955, in the case of flue-cured tobacco. The applicability of §§ 725.611 to 725.628 is contingent upon the proclamation of national marketing quotas for tobacco by the Secretary of Agriculture.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.616 *Determination of 1955 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1954 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1952-54 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1950-54: *Provided*, That any such preliminary allotment shall not exceed the 1954 allotment for such farm or be less than 0.1 acre.

(b) If the county committee determines that failure to harvest as much as 75 percent of the acreage allotted to the farm during any one of the three years 1952-54 was due to (1) service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces, or (2) black shank infestation on the farm, the preliminary allotment for the farm shall be the 1954 allotment.

(c) If no 1954 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1950-54, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1950-54 by the ratio of the farm's actual yield to the 1954 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(d) If the acreage of tobacco harvested on the farm in 1954 exceeded the 1954 allotment by more than 10 percent, the preliminary allotment shall be the 1954 allotment plus the smaller of (1) one-fifth of the excess acreage, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1954 county average yield.

(e) The preliminary allotments determined under paragraph (c) or (d) of this section shall not exceed the smallest of (1) the acreage indicated by cropland, (2) 20 percent of the acreage of cropland on the farm in the case of flue-cured tobacco, or (3) the acreage capacity of curing barns located on the farm and suitable for curing tobacco, which in the case of flue-cured tobacco shall be 3.5 acres per barn: *Provided*, That no preliminary allotment shall be reduced below the 1954 allotment because of these factors or be less than 0.1 acre.

(f) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

§ 725.617 1955 old farm tobacco acreage allotment. The preliminary allotments calculated for all old farms in the State pursuant to § 725.616 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms pursuant to § 725.618 shall not exceed the State acreage allotment: *Provided*, That in the case of Burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1954 allotment, (b) seven-tenths of an acre, or (c) 25 percent of the cropland in the farm: *Provided further*, That no 1954 allotment of one acre or less shall be reduced more than one-tenth of an acre.

§ 725.618 Adjustment of acreage allotments for old farms. Notwithstanding the limitations contained in § 725.616, except paragraph (f) thereof, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1954-55 marketing year.

§ 725.619 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year. (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1955 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced

on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1955 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1955 allotment such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified above. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1955 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for

which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a) or (b) of this section.

§ 725.620 Reallocation of allotments released from farms removed from agricultural production. (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm in the case of Burley tobacco and 50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 725.621 Farms divided or combined. (a) If land operated as a single farm in 1954 will be operated in 1955 as two or more farms, the 1955 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1955 consists of two or more tracts which were separate and distinct farms before being combined

within the past five years (1950-54), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1955 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1954 are combined and operated in 1955 as a single farm, the 1955 allotment shall be the sum of the 1955 allotments determined for each of the farms comprising the combination or, in the case of Burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1955.

(c) If a farm is to be divided in 1955 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments.

§ 725.622 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1949-53, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.623 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.620, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed in the case of Burley tobacco 50 percent of the allotments for old Burley farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco; and in the case of flue-cured tobacco, the smaller of (1) 15 percent of the cropland in the farm including land from which a cultivated crop was harvested in 1954 or (2) 75 percent of the allotment for old flue-cured tobacco farms which are similar with respect to land, labor, and equipment available for the production

of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Burley or flue-cured tobacco allotment is established for the 1955-56 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1955 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.624 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office prior to February 1, 1955, unless the farm operator was discharged from the armed services subsequent to December 31, 1954, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.625 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 725.626 *Determination of acreage allotments and normal yield for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.611 to 725.625, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain, for any purpose and which is re-

turned to agricultural production in 1955, or which was returned to agricultural production in 1954 too late for the 1954 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1955 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.627 *Approval of determinations made under §§ 725.611 to 725.626.* All allotments and yields shall be reviewed by or on behalf of the State committee, and the State committee may correct or require correction of any determinations made under §§ 725.611 to 725.626. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

§ 725.628 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

Done at Washington, D. C., this 14th day of June 1954. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-4624; Filed, June 16, 1954;
8:55 a. m.]

[1023 (Fire, Air, and Sun-55)-1]

PART 726—FIRE-CURED, DARK AIR-CURED,
AND VIRGINIA SUN-CURED TOBACCOMARKETING QUOTA REGULATIONS, 1955-56
MARKETING YEAR

GENERAL

- Sec.
726.611 Basis and purpose.
726.612 Definitions.
726.613 Extent of calculations and rule of fractions.
726.614 Instructions and forms.
726.615 Applicability of §§ 726.611 to 726.628.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR
OLD FARMS

- 726.616 Determination of 1955 preliminary acreage allotments for old farms.
726.617 1955 old farm tobacco acreage allotment.
726.618 Adjustment of acreage allotments for old farms.
726.619 Reduction of acreage allotments for violation of the marketing quota regulations for a prior marketing year.
726.620 Reallocation of allotments released from farms removed from agricultural production.
726.621 Farms divided or combined.
726.622 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR
NEW FARMS

- 726.623 Determination of acreage allotments for new farms.
726.624 Time for filing application.
726.625 Determination of normal yields.

MISCELLANEOUS

- 726.626 Determination of acreage allotments and normal yields for farms returned to agricultural production.
726.627 Approval of determinations made under §§ 726.611 to 726.626.
726.628 Application for review.

AUTHORITY: §§ 726.611 to 726.628 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 33, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 726.611 *Basis and purpose.* The regulations contained in §§ 726.611 to 726.628 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1955 farm acreage allotments and normal yields for fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 726.611 to 726.628 is to provide the procedure for allocating, on an acreage basis, the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1955-56 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.611 to 726.628, public notice (19 F. R. 2453) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 726.611 to 726.628 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.612 *Definitions.* As used in §§ 726.611 to 726.628, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that of any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(d) "New farm" means a farm on which tobacco will be produced in 1955 for the first time since 1949.

(e) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1950 through 1954.

(f) "Cropland" means farm land which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(g) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1954 into the total of the 1954 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland

factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(h) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(i) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(j) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(l) "Tobacco" means each one or all, as indicated by the context, of the kinds of tobacco listed below comprising the types specified, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture:

Fire-cured tobacco, comprising types 21, 22, 23, and 24;

Dark air-cured tobacco, comprising types 35 and 36;

Virginia sun-cured tobacco, comprising type 37.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured, or Virginia sun-cured tobacco shall be considered respectively, either fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 726.613 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 726.614 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 726.615 *Applicability of §§ 726.611 to 726.628.* Sections 726.611 to 726.628 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1955. The applicability of §§ 726.611 to 726.628 is contingent upon the proclamation of national marketing quotas for tobacco by the Secretary of Agriculture and, in the case of fire-cured and dark air-cured tobacco, the approval thereof by growers voting in referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.616 *Determination of 1955 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1954 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1952-54 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1950-54: *Provided*, That any such preliminary allotment shall not exceed the 1954 allotment for such farm or be less than 0.1 acre.

(b) If the county committee determines that failure to harvest as much as 75 percent of the acreage allotted to the farm during any one of the three years 1952-54 was due to (1) service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces, or (2) black shank infestation on the farm, the preliminary allotment for the farm shall be the 1954 allotment.

(c) If no 1954 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1950-54, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1950-54 by the ratio of the farm's actual yield to the 1954 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(d) If the acreage of tobacco harvested on the farm in 1954 exceeded the 1954 allotment by more than 10 percent, the preliminary allotment shall be the 1954 allotment plus the smaller of (1) one-fifth of the excess acres, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1954 county average yield.

(e) The preliminary allotments determined under paragraph (c) or (d) of this section shall not exceed the smaller of (1) the acreage indicated by cropland, or (2) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided*, That no preliminary allotment shall be reduced below the 1954 allotment because of these factors or be less than 0.1 acre.

(f) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

§ 726.617 *1955 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 726.616 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 726.618 shall not exceed the State acreage allotment.

§ 726.618 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 726.616, except paragraph (f) thereof, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1954-55 marketing year in the case of fire-cured and dark air-cured tobacco, and two percent of the total acreage allotted to all tobacco farms in the State for the 1954-55 marketing year in the case of Virginia sun-cured tobacco.

§ 726.619 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1955 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1955 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1955 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified in this paragraph. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1955 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) or (b) of this section.

§ 726.620 *Reallocation of allotments released from farms removed from agri-*

cultural production. (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain, shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him, equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 726.621 *Farms divided or combined.* (a) If land operated as a single farm in 1954 will be operated in 1955 as two or more farms, the 1955 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1955 consists of two or more tracts which were separate and distinct farms before being combined within the past five years 1950-54, be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1955 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts. (b) If two or more farms operated separately in 1954 are combined and operated in 1955 as a single farm, the

1955 allotment shall be the sum of the 1955 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1955 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable allotments.

§ 726.622 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1949-53, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.623 *Determination of acreage allotments for new farms.* (a) The acreage allotment other than an allotment made under § 726.620 for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which either a fire-cured, dark air-cured, or Virginia sun-cured tobacco

allotment is established for the 1955-56 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1955 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 726.624 *Time for filing application.* An application for new farm allotment shall be filed with the ASC county office prior to February 1, 1955, unless the farm operator was discharged from the armed services subsequent to December 31, 1954, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.625 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 726.626 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 726.611 to 726.625, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1955 or which was returned to agricultural production in 1954 too late for the 1954 allotment to be established shall be determined by one of the following methods:

(1) If the land is acquired by the original owner any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1955 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.627 *Approval of determinations made under §§ 726.611 to 726.626.* All allotments and yields shall be reviewed by or on behalf of the State committee, and the State committee may correct or require correction of any determinations made under §§ 726.611 to 726.626. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

§ 726.628 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

Done at Washington, D. C., this 14th day of June 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-4626; Filed, June 16, 1954;
8:56 a. m.]

[1023 (Maryland-55)-1]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1955-56
MARKETING YEAR

GENERAL

Sec.	
727.611	Basis and purpose.
727.612	Definitions.
727.613	Extent of calculations and rule of fractions.
727.614	Instructions and forms.
727.615	Applicability of §§ 727.611 to 727.628.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR
OLD FARMS

727.616	Determination of 1955 preliminary acreage allotments for old farms.
727.617	1955 old farm tobacco acreage allotment.
727.618	Adjustment of acreage allotments for old farms.
727.619	Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
727.620	Reallocation of allotments released from farms removed from agricultural production.
727.621	Farms divided or combined.
727.622	Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR
NEW FARMS

727.623	Determination of acreage allotments for new farms.
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Sec.	
727.624	Time for filing application.
727.625	Determination of normal yields.

MISCELLANEOUS

727.626	Determination of acreage allotments and normal yields for farms returned to agricultural production.
727.627	Approval of determinations made under §§ 727.611 to 727.626.
727.628	Application for review.

AUTHORITY: §§ 727.611 to 727.628 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 727.611 *Basis and purpose.* The regulations contained in §§ 727.611 to 727.628 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1955 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.611 to 727.628 is to provide the procedure for allocating on an acreage basis, the State marketing quota for Maryland tobacco for the 1955-56 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.611 to 727.628, public notice (19 F. R. 2454) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.611 to 727.628, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.612 *Definitions.* As used in §§ 727.611 to 727.628, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(d) "New farm" means a farm on which tobacco will be produced in 1955 for the first time since 1949.

(e) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1950 through 1954.

(f) "Cropland" means farm land which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(g) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(h) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(j) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.613 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 727.614 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause

to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 727.615 *Applicability of §§ 727.611 to 727.628.* Sections 727.611 to 727.628 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1955. The applicability of §§ 727.611 to 727.628 is contingent upon the proclamation of a national marketing quota for Maryland tobacco by the Secretary of Agriculture, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.616 *Determination of 1955 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the average acreage of tobacco harvested on the farm during the five years 1950 through 1954; *Provided*, That if the average acreage of tobacco harvested on the farm during the three years 1952 through 1954 differs from such five-year average by ten percent or more, the 1955 preliminary allotment shall be such three-year average, but not less than 0.1 acre; *And provided further*, That if tobacco was harvested on the farm in 1954 for the first time since 1949 the 1955 preliminary allotment for such farm shall be fifty percent of the 1954 harvested acreage.

The acreage of tobacco harvested in 1953 for each old farm shall be determined in the following manner:

(a) If the 1953 farm acreage allotment did not include an increase under the proviso in § 727.418 of the Maryland tobacco marketing quota regulations for the 1953-54 marketing year, the 1953 harvested acreage for the farm shall be the acreage harvested as determined pursuant to the Maryland tobacco marketing quota regulations for the 1953-54 marketing year.

(b) If the 1953 farm acreage allotment was increased under the proviso in § 727.418 of the Maryland tobacco marketing quota regulations for the 1953-54 marketing year, the 1953 harvested acreage for such farm shall be reduced by deducting all or that part of such acreage increase which was included in the total acreage of tobacco harvested in 1953 on the farm.

§ 727.617 *1955 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 727.616 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 727.618 shall not exceed the State acreage allotment; *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed

by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) the acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 727.618 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 727.616, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed two percent (or, if recommended by the State committee and approved by the Administrator, Commodity Stabilization Service, four percent) of the 1955 State acreage allotment.

§ 727.619 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in the 1953-54 marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1955 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1955 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as

determined by the State committee. If the reduction cannot be so made effective with respect to the 1955 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified in this paragraph.

(d) The amount of reduction in the 1955 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar; *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a) or (b) of this section.

§ 727.620 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms

owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 727.621 *Farms divided or combined.* (a) If land operated as a single farm in 1954 will be operated in 1955 as two or more farms, the 1955 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1950-54 five-year average acreage of tobacco harvested on each such tract bore to the 1950-54 five-year average acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1955 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1954 are combined and operated in 1955 as a single farm, the 1955 preliminary allotment shall be the sum of the 1955 preliminary allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1955 in settling an estate, the preliminary allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 727.622 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1946-53 for which data are available, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.623 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 727.620, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm owner and operator shall each receive 50 percent or more of his income from the farm covered by the application.

(3) The farm shall not have a 1955 allotment for any kind of tobacco other than that for which application is made under this part.

(c) The acreage allotments established as provided in this section shall be

subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1955 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 727.624 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office no later than January 31, 1955, unless the farm operator was discharged from the armed services subsequent to December 31, 1954, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 727.625 *Determination of normal yields.* The normal yield per acre for a new farm shall be that which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 727.626 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 727.611 to 727.625, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1955 or which was returned to agricultural production in 1954 too late for the 1954 allotment to be established shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1955 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with

yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 727.627 *Approval of determinations made under §§ 727.611 to 727.626.* All allotments and yields shall be reviewed by or on behalf of the State committee, and the State committee may correct or require correction of any determinations made under §§ 727.611 to 727.626. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

§ 727.628 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of farm acreage allotment and marketing quota, file application with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

Done at Washington, D. C., this 14th day of June 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-4627; Filed, June 16, 1954; 8:56 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 261]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.689 *Orange Regulation 261—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER

(60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until June 21, 1954; the recommendation and supporting information for continued regulation subsequent to June 17, 1954, and in the less restrictive manner herein provided was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 14; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof, and this section relieves restriction on the handling of oranges grown in the State of Florida.

(b) *Order.* (1) Orange Regulation 260 (§ 933.687; 19 F. R. 3437) is hereby terminated at 12:01 a. m., e. s. t., June 18, 1954.

(2) During the period beginning at 12:01 a. m., e. s. t., June 18, 1954, and ending at 12:01 a. m., e. s. t., September 20, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 96 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-4671; Filed, June 16, 1954; 8:57 a. m.]

[Grapefruit Reg. 205]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.690 *Grapefruit Regulation 205—(a) Findings.* (1) Pursuant to the marketing agreement, as amended and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1954. Shipments of all white grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until June 21, 1954; the recommendation and supporting information for continued regulation subsequent to June 17, 1954, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 14; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and infor-

mation concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Grapefruit Regulation 204 (§ 933.688; 19 F. R. 3417) is hereby terminated at 12:01 a. m., e. s. t., June 18, 1954.

(2) During the period beginning at 12:01 a. m., e. s. t., June 18, 1954, and ending at 12:01 a. m., e. s. t., August 31, 1954, no handler shall ship:

(i) Any variety of white grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

Shipments of pink grapefruit, grown in the State of Florida, are subject to the provisions of Grapefruit Regulation 202 (§ 933.684; 19 F. R. 2980).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable
Division, Agricultural
Marketing Service.

[F. R. Doc. 54-4672; Filed, June 16, 1954;
8:57 a. m.]

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN
CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.476 Plum Order 5—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the

recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1954. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 11, 1954; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 11, 1954, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1954, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. S. t., June 18, 1954, and ending at 12:01 a. m., P. S. t., November 1, 1954, no shipper shall ship from any shipping point during any day any package or container of Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 6 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 6 x 6 standard pack if said quantity does not exceed eleven and eleven one-hundredths

(11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 6 standard pack, as aforesaid.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) Section 936.143 of the rules and regulations, as amended (§§ 936.100 et seq.; 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable
Division, Agricultural
Marketing Service.

[F. R. Doc. 54-4670; Filed, June 16, 1954;
8:57 a. m.]

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN
CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.477 Plum Order 6—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of

the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the *FEDERAL REGISTER* (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1954. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 11, 1954; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 11, 1954, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 21, 1954, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1954, and ending at 12:01 a. m., P. s. t., November 1, 1954, no shipper shall ship from any shipping point during any day any package or container of Wickson plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack if said quantity does not exceed five and twenty-six one-hun-

dredths (5.26) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) Section 936.143 of the rules and regulations, as amended (§§ 936.100 et seq.; 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable
Division, Agricultural
Marketing Service.

[F. R. Doc. 54-4666; Filed, June 16, 1954;
8:56 a. m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.478 Plum Order 7—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under

the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the *FEDERAL REGISTER* (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1954. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 11, 1954; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 11, 1954, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 23, 1954, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1954, and ending at 12:01 a. m., P. s. t., November 1, 1954, no shipper shall ship any package or container of Eldorado plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (§§ 936.100 et seq.; 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior

inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-4667; Filed, June 16, 1954; 8:56 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.479 Plum Order 8—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1954. A reasonable determination as

to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 11, 1954; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 11, 1954, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 28, 1954, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) Order. (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1954, and ending at 12:01 a. m., P. s. t., November 1, 1954, no shipper shall ship any package or container of Burbank plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the Rules and Regulations, as amended (§§ 936.100 et seq.; 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-4668; Filed, June 16, 1954; 8:56 a. m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES

§ 936.480 Plum Order 9—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Amador, Apex, California Blue, Earliana, Gros Hungarian, Satsuma, Improved Satsuma, Shiro, Splendor, and Standard varieties (hereinafter referred to as "miscellaneous varieties of plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1954. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 11, 1954; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 11, 1954, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of the miscellaneous varieties of plums are now being made; this section should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) Order. (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1954, and ending at 12:01 a. m., P. s. t., November 1, 1954, no shipper shall ship

any package or container of miscellaneous varieties of plums unless:

(1) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade.

(2) Section 936.143 of the rules and regulations, as amended (§§ 936.100 et seq.; 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), (§§ 51.1520 to 51.1530 of this title); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-4669; Filed, June 16, 1954; 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53508]

PART 13—EXAMINATION AND MEASUREMENT OF CERTAIN PRODUCTS

IMPORTATION OF PETROLEUM PRODUCTS IN BULK

Advice has been received officially that the National Bureau of Standards Circular C 410, as amended, referred to in § 1310 (b), Customs Regulations, has been withdrawn and replaced by ASTM-IP Petroleum Measurement Tables. It is understood that the new tables have been adopted by the petroleum industry and the trade as well as by various governmental agencies. It has been decided that, for customs purposes, the new tables should also be adopted.

The regulation also is being changed so that reference will be to "API" (American Petroleum Institute) gravity instead of "specific" gravity to harmonize it with section 3422 I. R. C., as modified, which provides for a higher rate of import tax for crude petroleum, topped crude petroleum, and fuel oil derived from petroleum (including fuel oil known as gas oil) testing 25 degrees "API" or more.

Section 13.10 is amended as follows:

1. Paragraph (b) is amended to read:

(b) On entry for a petroleum product in bulk, the importer shall show the API

gravity at 60° Fahrenheit, and the group to which the product belongs, in accordance with the Petroleum Measurement Tables (American Edition), published by the American Society for Testing Materials (1952). The abridged table (Table No. 7) shall be used in the reduction of volume to 60° F. If the exact quantity cannot be determined in advance, entry may be made for "----- United States gallons, more or less." The information required by this subparagraph shall also be shown on the permit and summary sheet.

2. Paragraph (e) is amended to read:

(e) Warehouse withdrawals of petroleum products from bonded tanks shall show the API gravity at 60° Fahrenheit, the group to which the product belongs, and the designation of the tank from which it is to be withdrawn. Such withdrawals may be made for "----- United States gallons, more or less."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies 53 Stat. 414, 416; 26 U. S. C. 3420, 3422, 3431)

[SEAL]

RALPH KELLY,
Commissioner of Customs.

Approved: June 11, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-4617; Filed, June 16, 1954; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of antibiotic and antibiotic-containing drugs (Parts 146a, 146c, 146e; 19 F. R. 673, 1421, 1541, 2014, 2695) are amended as indicated below:

1. In § 146a.32 *Penicillin with vasoconstrictor* * * *, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "18 months", in the last sentence, to read "24 months".

2. In § 146c.202 *Chlortetracycline ointment* * * *, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "or 24 months, if it is chlortetracycline hydrochloride ointment or tetracycline hydrochloride ointment," to read "or 24 months, if it is

tetracycline hydrochloride ointment, or 36 months, if it is chlortetracycline hydrochloride ointment."

3. In § 146e.403 *Bacitracin tablets* * * *, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "18 months" to read "18 months or 24 months".

4. In § 146e.411 *Bacitracin-neomycin ointment* * * *, paragraph (a) (3), is amended to read as follows:

(3) In lieu of the labeling prescribed by § 146e.402 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of milligrams of neomycin in each gram of the batch and the statement "Expiration date -----" the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container. If it contains hydrocortisone or an ester of hydrocortisone and it is intended for use by humans, its outside wrapper or container shall bear the statement "Caution: Federal law prohibits dispensing without prescription."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the *FEDERAL REGISTER*, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: June 11, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-4616; Filed, June 16, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 25]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EN ROUTE LIMITATIONS

The purpose of this amendment is to establish en route limitations for the Beech AT-11 aircraft. The proposed rules were published on April 10, 1954, in 19 F. R. 2095; interested persons were afforded an opportunity to submit data,

views, or argument; and consideration has been given to all relevant matter presented. The following rules are hereby adopted. Section 42.80-6 is amended as follows:

§ 42.80-6 En route limitations on multi-engine aircraft with maximum allowable take-off weights below 12,500 pounds (CAA rules which apply to §§ 42.16 and 42.80). The following en route limitations data, applicable to Aero Commander 520, Beech AT-11, Beech D18C, Beech D18S, Beech 50, Grumman G-21, Lockheed 10A, Lockheed 10E, and Lockheed 12A aircraft, shall be used in determining compliance with § 42.80. These data are presented in table 1 and figures 1 through 6. En route performance data on other aircraft weighing less than 12,500 pounds and operated under § 42.16 will be made available upon application to the Administrator.

TABLE 1—EN ROUTE LIMITATIONS

AERO COMMANDER 520

BEECH AT-11

Weight in pounds	Terrain clearance ¹ in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
7,850	6,200	102.1
7,500	7,800	100.9
7,000	10,170	99.2
6,500	12,500	97.5

¹ Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

NOTE: Inoperative propeller idling in high pitch. Cowl flaps are closed on inoperative engine. De-icers are not operating.

BEECH D18C

BEECH D18S

BEECH 50

GRUMMAN G-21

LOCKHEED 10A

LOCKHEED 10E

LOCKHEED 12A

FIGURE 1—EN ROUTE LIMITATIONS
BEECH D18C, D18S; LOCKHEED 10E, 12A

FIGURE 2—EN ROUTE LIMITATIONS
AERO COMMANDER 520

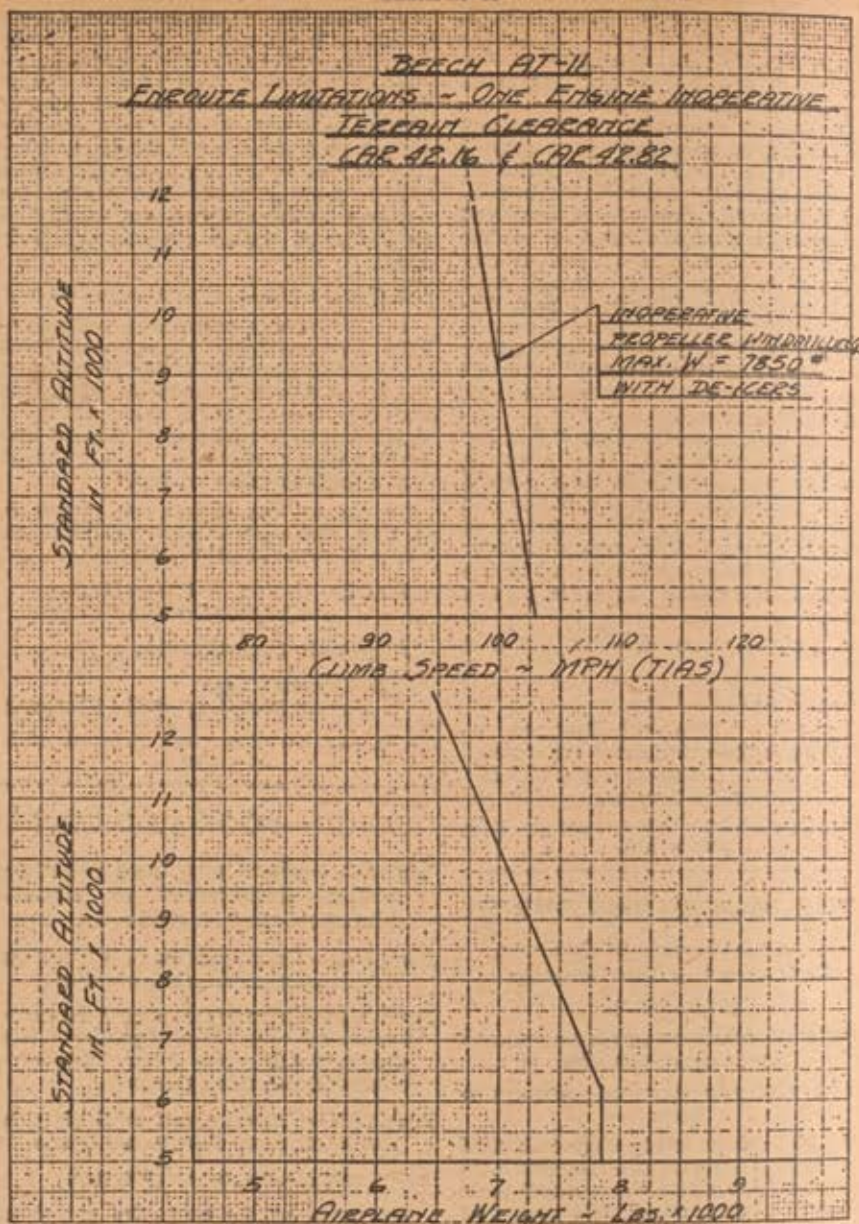
FIGURE 3—EN ROUTE LIMITATIONS
BEECH 50

FIGURE 4—EN ROUTE LIMITATIONS
GRUMMAN G-21

FIGURE 5—EN ROUTE LIMITATIONS
LOCKHEED 10A

FIGURE 6—EN ROUTE LIMITATIONS

BEECH AT-11



(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 15, 1954.

[SEAL]

F. B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 54-4581; Filed, June 16, 1954; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE:
POSTAGE RATES, SERVICE AVAILABLE AND
INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 127, make the following changes:

a. In § 127.4 Post cards amend paragraph (a) to read as follows:

(a) Postage rates: For surface rates, see § 127.1; for air mail rates, see individual country items and § 127.20. Maximum dimensions: 6 by 4½ inches. Minimum dimensions: 4 by 2¾ inches.

b. In § 127.20 Air mail service amend paragraph (a) (3) to read as follows:

(3) Post cards (single) for Canada and Mexico are conveyed by air at the rate of 4 cents each; those for Cuba and Saint Pierre and Miquelon at the rate of 8 cents each. Single post cards for all other countries must be prepaid 10 cents each. In the case of double post

cards or of reply-paid cards, the initial or message half of such cards must be prepaid at the air mail letter rate to the country of address in order to be entitled to transmission by air.

c. In § 127.231 *China (including Taiwan (Formosa))* amend subdivision (1) of paragraph (a) (5) to read as follows:

(1) Postage rates: Letters, 25 cents per half ounce. Single post cards and air letter sheets, 10 cents each. Other Postal Union articles, 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

d. In § 127.273 *Hungary* amend subdivision (1) of paragraph (b) (1) by striking out the note following the tabulated information appearing under the table of rates.

e. In § 127.275 *India (including the Andaman Islands, Bhutan, Nepal, and Tibet)* amend paragraph (b) (6) to read as follows:

(6) *Import restrictions.* Addressees are required to obtain import licenses in many cases for commercial shipments or for articles sent as gifts.

f. In § 127.280 *Israel, State of* (19 F. R. 1119), amend the first two sentences of subdivision (1) of paragraph (a) (8) to read as follows: "Israeli bank notes, Israeli independence bonds, and bank notes of the former mandate government of Palestine."

g. In § 127.342 *Ryukyu Islands (including Okinawa and the other islands of the Ryukyu Group south of 30° north latitude, including Kuchinoshima)* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, 25 cents per half ounce. Single post cards and air letter sheets, 10 cents each. Other Postal Union articles, 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

J. H. BLANDFORD,
Acting Solicitor.

[F. R. Doc. 54-4593; Filed, June 16, 1954; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 127, make the following changes:

a. In § 127.6 *Printed matter* amend paragraph (e) (1) by inserting between "catalogs, prospectuses, advertisements," and "and printed, engraved, lithographed," the following phrase: "matrices of material similar to paper or cardboard."

b. In § 127.9 *Samples of merchandise* amend paragraph (d) by striking out the word "matrices".

c. In § 127.203 *Albania* make the following changes:

1. Amend paragraph (a) (7) to read as follows:

(7) *Prohibitions.* (i) Photographic films, including plates and paper intended for photography.

(ii) The articles prohibited or restricted as parcel post are likewise prohibited or restricted in the Postal Union mails.

2. Amend paragraph (b) (5) to read as follows:

(5) *Prohibitions.* Arms and weapons of all kinds, except hunting arms (see subparagraph (6) of this paragraph).

3. Amend paragraph (b) (6) to read as follows:

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by the addressees:

(i) Hunting arms require an import permit.

(ii) Medicines for personal use require a medical certificate.

(iii) It is understood that commercial parcels are not admitted without previous authorization from Albanian authorities.

d. In § 127.207 *Argentina* make the following changes:

1. In paragraph (a) (6), amend the reference "(see § 127.3)" to read as follows: "(See subparagraph (9) of this paragraph, and § 127.3)".

2. In paragraph (a) (9), amend the last sentence of subdivision (i) to read as follows: "Such articles must also be accompanied by two copies of customs declaration Form 2976-A."

e. In § 127.236 *Cyprus* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters and letter packages, 25 cents per half ounce. Single post cards and air letter sheets, 10 cents each. Other Postal Union articles, 50 cents for the first 2 ounces and 30 cents for each additional 2 ounces. (See § 127.20.)

2. In paragraph (b), insert the following immediately after the table of rates in subdivision (1) of subparagraph (1):

(1) *Air parcel rates.* Rates: \$1.30 first 4 ounces; \$0.60 each additional 4 ounces. Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

J. H. BLANDFORD,
Acting Solicitor.

[F. R. Doc. 54-4592; Filed, June 16, 1954; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

RIGHTS-OF-WAY FOR ELECTRIC POWER TRANSMISSION LINES; TRANSFER OF EASEMENT

Section 251.58 *Transfer of easement*, Title 36, Code of Federal Regulations, is hereby amended by adding thereto a new paragraph (d) to read as follows:

(d) Transfers by mortgage or trust deed or judicial sales made thereunder or under tax sales are excepted from the provisions of this section.

(Sec. 1, 30 Stat. 35, as amended; 16 U. S. C. 551. Interprets or applies sec. 1, 33 Stat. 628; 16 U. S. C. 472)

Done at Washington, D. C., this 11th day of June 1954.

Witness my hand and the seal of the Department of Agriculture.

[SEAL]

J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-4598; Filed, June 16, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 953]

[Docket No. AO 144-A5]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

SUPPLEMENTARY NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement

Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900; 19 F. R. 57), this notice supplements the notice issued on June 7, 1954, and published in the FEDERAL REGISTER on June 10, 1954 (19 F. R. 3421), with respect to the public hearing to be held in Room 229 Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10:00 a. m., P. d. s. t., June 22, 1954, on proposed amendments

to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona. Neither the proposal hereinafter set forth nor those contained in the prior notice have been approved by the Secretary of Agriculture.

The following additional amendment has been proposed by the Sunkist Growers, Inc., the Mutual Orange Distributors, the American National Foods, Inc., and the Independent Citrus Growers and

Shippers Association, the same organizations that proposed the amendments contained in the prior notice:

18. Amend § 953.29 by deleting therefrom "5.00" and inserting in lieu thereof "\$10.00."

Copies of this supplementary notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 1353 South Building, Washington 25, D. C., or from the Field Representative, Fruit and Vegetable Division, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Filed at Washington, D. C., this 11th day of June 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-4596; Filed, June 16, 1954;
8:48 a. m.]

[7 CFR Part 970]

[Docket No. AO 255]

HANDLING OF IRISH POTATOES GROWN IN MAINE

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 122 AND ORDER NO. 70

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed Marketing Agreement No. 122 and Order No. 70, regulating the handling of potatoes grown in the State of Maine, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 7 USC 601 et seq.), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and marketing order were formulated was held at Presque Isle, Maine, on April 27-30, 1954, pursuant to notice thereof which was published April 7, 1954, in the FEDERAL REGISTER (19 F. R. 1955). Such notice set forth the proposed marketing agreement and order which were sponsored by the growers and shippers of Irish potatoes in the State of Maine, as represented by officials of the Aroostook County Farm Bureau, the Potato Industry Council, Inc., the Fort Fairfield Potato Growers Association, and the Young Farmers of Central Aroostook.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) Identity of the persons and transactions to be regulated;

(5) The specific terms and provisions of the proposed marketing agreement and order, including (a) definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions:

(b) The establishment, maintenance, composition, powers, duties, and operation of a marketing committee and an administrative committee, which shall be the administrative agencies for assisting the Secretary in administration of the program;

(c) The authority for the administrative committee to incur expenses and to levy assessments on shipments;

(d) The method for limiting shipments of potatoes grown in the production area;

(e) The methods for establishing minimum standards of quality and maturity;

(f) The methods for authorizing special regulations applicable to shipments of potatoes for specified purposes or to specified outlets which may be handled under special regulations that are modifications or amendments to grade, size, and quality regulations on table stock or seed shipments;

(g) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(h) The necessity for inspection and certification of shipments;

(i) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto, and

(j) Additional terms and conditions as set forth in §§ 970.80 through 970.95 and published in the FEDERAL REGISTER (19 F. R. 1955) on April 7, 1954, which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Any handling of Irish potatoes (hereinafter called "potatoes") grown in the State of Maine exerts a direct influence upon all other handling of potatoes. It is a primary objective of potato handlers, as it is also of all handlers of other commodities, to seek the highest return they can get for the potatoes or other commodities they have to sell. In assessing the market outlook and in making sales, sellers survey all accessible markets with a view to accepting the

most advantageous opportunities and offers to market their potatoes. Successful handlers are forced by competition to maintain and keep abreast of all possible market information, particularly the level and trend of prices in specific markets both within the State of production and beyond the State border. Markets within the production area provide opportunities for handlers to effect sales the same as markets outside the State. The opportunity for advantageous sales are eagerly sought by handlers and such opportunities are accepted regardless of whether the potatoes are sold at the shipping point, or at destination, or in consuming markets within the State of Maine, or in Boston, New York, Philadelphia, Pittsburgh, or any other market beyond the production area. Both buyers and sellers use the latest and most modern forms of communication not only to keep up with their competitors, but also to maintain the closest possible association with market conditions at every point where there may be a potential sale. Both shipping point handlers and receiving market handlers, through close attention and modern communications, quote, offer, bargain, buy and sell potatoes and thereby create an institution commonly referred to in the trade as "the potato market". The potato market is a combination of all the phenomena that relate to the supply of potatoes in the producing area, the supply that is available for immediate marketing, the supply for marketing later, the quality of such supply, the supply of potatoes in competing areas with various ramifications of quality and availability, prices quoted by sellers at shipping point and in receiving markets, as well as at sundry points between, and a great variety of additional factors that influence both buyers and sellers in helping them to arrive at a meeting of minds, a closing of contracts of sale, and a final consummation of contract through exchange of potatoes and consideration. These factors are interdependent as between shipping point and receiving markets. A factor or factors which influence the market at shipping point soon are reflected in prices in terminal markets, subject to the effect of location factors, and, in turn, factors influencing prices in receiving markets are soon reflected in the market at shipping point. For example, bad weather at shipping point may slow down the rate of grading and loading to such an extent that buyers will experience difficulty in filling orders and they will bid higher than otherwise for remaining supplies. In turn, the increase in price of potatoes at shipping point will soon be reflected in the market at receiving points outside the production area. An alternative to the above example may involve a similar set of circumstances at shipping point, with bad weather holding up grading and loading, but if competing supplies in terminal markets take advantage of such situation by increasing the amount available the price of potatoes in the terminal markets may not increase appreciably, if at all, and in turn prices at shipping point may also fail to rise. It

is a well established fact, and well recognized in the potato market, that a sale of a particular quantity of potatoes in a market within the State of Maine exerts a direct influence upon all other sales of such potatoes, as also does a sale of potatoes in a market within any other State. The movement and sale of potatoes grown in the State of Maine, whether to a market within or outside the State of Maine affects the price structure for all potatoes grown in the production area.

Changes in the supply of potatoes being marketed at any particular time and changes in estimates of potato supplies available for market affect the price of potatoes. Changes in the supply of potatoes grown in the State of Maine, or any part thereof, have a direct effect on both terminal market and shipping point prices for all potatoes. Potatoes grown in any portion of the production area and marketed at any given period compete with other potatoes marketed during such period whether such other potatoes are grown in other portions of or outside of such production area.

Public agencies supply daily information relative to terminal potato markets such as Boston, New York, Philadelphia, Pittsburgh, etc. and, during the active shipping season, similar information relevant to market information at shipping points in Maine, as well as shipping point prices for potatoes grown in other producing areas. This published market information, and information which handlers receive through private communication, are closely followed by all handlers in an effort to keep up with competition and to maintain particular advantage to themselves so that they may continue to operate successfully.

A substantial percentage, comprising the major portion of the potatoes grown in the production area, enter the commercial potato market with the great bulk of such movement going to destinations outside the State of Maine. The 1953 crop of Maine potatoes is estimated at 57.7 million bushels. Shipments of the 1953 crop were not yet complete at the time of the hearing. However, the U. S. Market News Service reported 37,018 carlots of potatoes shipped through April 26, 1954 from the 1953 crop. The 1952 Maine crop of potatoes was estimated at 54.4 million bushels out of which 46,092 carlots were shipped. Exhibit 14 shows the distribution of Maine potatoes for the 1952-53 crop. Shipments were made to 33 States, the District of Columbia, the Provinces of New Brunswick and Ontario, as well as to numerous points within the State of Maine. The major portion of the market for table stock potatoes and seed potatoes grown in the State of Maine lies outside the State. Potatoes grown within the production area, which are not marketed outside thereof, are largely marketed within such production area as table stock, also as seed, and in addition for manufacture and livestock feed. Starch plants take a sizeable portion of the potato crop during some seasons, such as the 1953-54 season, and the price paid by starch factories during the 1953 crop season has had a direct and observ-

able effect on the price of potatoes shipped to the table stock and seed market outside the production area.

It is a common practice for handlers to load potatoes at shipping points within the State and to ship such potatoes to markets within the State, particularly Portland, Maine, and before arrival at such markets to divert the shipments to markets outside the State. Conversely, shipments originally directed to markets outside the State may be diverted to markets within the State for final disposition. This diversion from intended destination outside the State to markets within the State is a common practice, especially among truckers who are able to divert quickly in response to attractions from local prices. It is impossible in many cases at the time potatoes are sold to a trucker to determine finally whether such potatoes will be marketed by the trucker within the production area or any portion thereof or at a point, or even several points outside the production area. The sale and movement of potatoes grown within the production area are directly related whether such sale or such movement is within the production area or outside thereof. The phenomena of sale and movement constitute the market for potatoes and the interdependence of the markets both within and outside the State directly burdens, obstructs and affects interstate commerce. Phenomena making up the market for potatoes constitute commerce which is so inextricably intermingled that all sale and movement of such potatoes are either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce and, therefore, all such movement and sale of potatoes grown in the production area should be subject to the authority of the act and of the marketing agreement and order which may be issued pursuant thereto.

(2) Prices for Irish potatoes grown in the State of Maine have fluctuated widely during the past several years, reflecting disorderly marketing conditions that have adversely affected growers' returns. The season average farm price for Maine potatoes, as reported by the Agricultural Marketing Service, United States Department of Agriculture, for the 1952 crop year was \$1.32 per bushel which was equivalent to 81 percent of parity. The comparable farm price of Maine potatoes for the 1951 season was \$1.81 per bushel or equivalent to 111 percent of parity. The preliminary estimate of the 1953 season average farm price per bushel, as shown in Exhibit 3, is 55 cents per bushel or equivalent to 41 percent of parity. The February 15, 1954, U. S. farm price for potatoes was \$0.653 per bushel which was 43 percent of parity compared with \$1.59 per bushel on February 15, 1953, which was 96 percent of parity.

Prices paid to growers in Maine averaged about \$1.00 per barrel during November 1953 and approximately 90 cents to \$1.00 per barrel in December 1953. Prices to Maine potato growers in January 1954 ranged from 75 cents to \$1.00 per barrel. During the first part of February 1954 potato prices averaged about 90 cents to \$1.00 per barrel at such

prices declined to about 60 to 70 cents a barrel the latter part of February. During the first week in March 1954 potato prices averaged 50 to 60 cents per barrel, with prices declining the second and third week of March to 40 to 50 cents per barrel. The market during the fourth week of March was unsteady, opening the first part of that week at 60 to 75 cents per barrel and, after the announcement of government purchases under the Section 32 program, closing the latter part of the week at \$1.00 per barrel. Prices to Maine potato growers from the last week in March to the opening of the hearing on April 27 ranged from \$1.10 to \$1.25 per barrel.

Prices to Maine potato growers during the 1952-53 season ranged from \$3.50 to \$4.00 per barrel during September 1952, to \$4.50 to \$5.00 per barrel during the last week of October, and \$5.00 to \$5.50 per barrel during the middle of November. Prices to growers softened slightly during the latter part of November 1952 and through December and the first part of January. Prices dropped substantially after publication of the Department's January 1953 stocks on hand report and declined from \$3.00 to \$3.50 per barrel during the last week of January to 65 cents to \$1.00 per barrel in May.

The previous season during 1951-52 prices to Maine potato growers opened in September 1951 at approximately \$2.00 to \$2.25 per barrel and increased steadily through the season and closed in April at approximately \$5.25 to \$5.50 per barrel.

Prices of Maine potatoes in terminal markets, as reported by Market News Service, followed approximately the same trends.

The quantity of potatoes available on the market at any given time, either daily or seasonally, has a direct effect upon the price which farmers receive for their potato crop. Maine farmers produce an important portion of the total U. S. crop, particularly of the so-called late crop. The quantity of potatoes which is put on the market by Maine producers or handlers also has a direct effect upon the price of all potatoes, particularly the price which Maine farmers receive for their crop. The price of potatoes in the market is a direct function not only of the total quantity of potatoes being marketed but also of the quality of potatoes as reflected by the different prices paid by grades and sizes for such potatoes. Certain grades and sizes of potatoes return higher prices to farmers than other grades and sizes. For example, U. S. No. 1 quality potatoes normally return a higher price than U. S. No. 2 grade potatoes, and a considerably higher price than potatoes which are of lower quality than U. S. No. 2 which are referred to as unclassified or, in trade parlance, as "culls." Small sized potatoes, such as 1½ to 2 inch in diameter, commonly referred to as size B, also return less to the grower than the usual accepted sizes from 2 inch in diameter and larger. Somewhat similarly, exceptionally large potatoes in the round varieties also are discounted in price. Size B potatoes usually return only about 50 percent of the price paid for average

sized potatoes. The extremely large sizes are discounted in a similar manner.

It is common and usual practice among the great majority of handlers to eliminate the small size potatoes and culls, and in many cases No. 2 also, when they are grading potatoes for market. Such poor quality potatoes and discounted sizes are removed because these handlers have found from experience it pays them to do so because the adulteration of the better packs, which constitutes the bulk of their crop, with the poorer grades and sizes forces the price down on all their sales. However, some handlers continue to sell culls and off-sizes because they frequently are able to buy them at exceptionally low prices from the grower and to sell them at a small discount from average prices, thereby giving the handler as much, or even a greater margin than they could expect from handling usual good quality and the more desirable sizes of potatoes. The withholding of poor grades, the undesirable quality, and the off-sized potatoes from markets tends to equalize market supply and demand and, by reducing the quantity being marketed as well as eliminating discounts from average price, growers prices for potatoes are thereby increased.

The sale of cull potatoes tends not only to return discounted prices to growers but also such potatoes give only limited satisfaction to consumers and they operate against repeat sales. It is not in the public interest to sell cull potatoes under normal conditions because the consumers fail to obtain proper value for their expenditures, as compared with purchases of good quality potatoes, and the returns to growers are adversely affected thereby tending to destroy the value of agricultural assets which support the national credit structure, and these conditions, in turn affect transactions in agricultural commodities with a national public interest.

Prices to Maine potato producers and total returns for Maine potato farmers could be augmented by shipping only the more preferred grades and sizes of such potatoes. Voluntary efforts have been made by the Maine potato industry to eliminate some of the cull potatoes, especially when the average price level to Maine potato farmers was low, but such voluntary efforts broke down and some potato handlers continue to ship culls to the detriment of all other potato growers and handlers and contrary to the public interest of the Maine potato industry.

The Maine potato industry, through individual producers, handlers, and formal organizations of such interested parties, attempted to correct this situation in 1953 by the development and adoption of a marketing agreement as authorized by State of Maine statutes. Such a program was developed and issued by the Commissioner of Agriculture of the State of Maine and, pursuant to legislative requirement, a grower referendum was ordered. The approval by growers did not fully meet the statutory requirements and consequently a State marketing order could not be issued. In addition, a Federal marketing order for State of Maine potatoes was in effect

during the 1948, 1949, and 1950 seasons. This program was terminated as of June 30, 1951, following a referendum among producers which indicated that the program did not have the support by the industry that was considered essential to efficient and successful operation of such program. Both the former Federal and the State marketing agreement programs were based on the determination of a need for grade, size, and quality regulation to help promote more orderly marketing of Maine potatoes and to help increase the price of potatoes to growers.

The orderly marketing of Irish potatoes grown in the State of Maine has been disrupted and the purchasing power of the farmers producing such potatoes has been impaired by reason of the shipment of certain grades, sizes, and qualities of such potatoes which have adversely affected prices returned to potato producers. A marketing agreement and order is necessary to authorize regulation of the sale and transportation of Irish potatoes grown in the State of Maine so that more orderly marketing conditions for such potatoes may be established. The establishment of more orderly marketing conditions as brought about by marketing agreement and order regulations will tend to establish parity prices for Irish potatoes grown in the State of Maine. A marketing agreement and order authorizing regulation of the handling of Irish potatoes will assist the Maine potato industry in establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for Irish potatoes grown in the production area which will effectuate such orderly marketing of such potatoes as will be in the public interest. The adoption of a marketing agreement and order program by handlers of Maine potatoes and the approval of such an order by Maine potato producers will tend to promote more orderly marketing of such potatoes and it will be in the public interest. It is hereby found that the marketing agreement and order, as hereinafter set forth will promote more orderly marketing of Maine potatoes and the operation of such a program will tend to establish and maintain such orderly marketing conditions for Maine potatoes as will establish, as the price to farmers, parity prices for such potatoes.

(3) The term "potatoes", as used in the marketing agreement and order, identifies the agricultural commodity referred to therein and distinguishes it from other agricultural commodities, such as sweet potatoes. The term "potatoes" should be defined to mean all varieties of Irish potatoes which are commonly referred to as potatoes in the production area as well as throughout the United States. Potatoes are the principal agricultural crop grown by farmers in the production area. Reference to "potatoes" has a common and specific meaning to all growers and handlers in the production area as well as in other parts of the country. The definition of potatoes, as set forth in the marketing agreement and order, establishes the identity of the agricultural commodity for which regulation is authorized. This definition establishes the

commodity to which the handling activities related thereto are subject to the authority of the marketing agreement and order. The act authorizes marketing agreements and orders applicable to potatoes, or to any regional or market classification thereof. Irish potatoes of all varieties which are grown in the production area constitutes a regional classification of potatoes and regulation of the handling of such potatoes as authorized by the marketing agreement and order will tend to effectuate the declared policy of the act. Potatoes therefore should be defined in the marketing agreement and order to mean all varieties of Irish potatoes grown in the production area.

The term "production area" should be incorporated in the marketing agreement and order as the means of specifying the area within which potatoes must be produced before the handling thereof is subject to regulation thereunder. Production area is defined to include all of the State of Maine. Potato acreage and production are concentrated in Aroostook County but potatoes also are grown in each of the other 15 counties within the State. Potato production in each of the other counties could be increased beyond present limits if conditions should become favorable for farmers to do so. Although production in other parts of the State outside of Aroostook County comprises only about 10 percent of the total production of the State, which amounts to 5 or 6 million bushels each year, potatoes from all sections of the State are shipped to the same markets during the same seasons.

Grading and quality standards for commercial sales are the same throughout the State. State of Maine grades have been established which may be used by any shipper within the State. Advertising and promotional programs are carried on by State agencies for the benefit of all potato producers in Maine.

Natural geographic boundaries favor the establishment of the production area as defined. International lines and the Atlantic Ocean bound the State on three sides and the State of New Hampshire is on the fourth. The State boundaries do not bisect a potato production area and enforcement of regulations is favored by the fact that the only overland outlet for potatoes is limited to a few roads and railroads. There is no reasonable method or basis of dividing the State into two or more production areas for purposes of a marketing agreement and order. All territory included within the boundaries of the State of Maine constitutes the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the production area therefore should be defined as set forth in the notice of hearing.

(4) The term "handler" and "shipper" are synonymous and they are defined to identify those persons who handle potatoes in the manner described and set forth in the definition of "handler" because such persons are subject to the regulations authorized by the marketing agreement and order. Any person who is engaged in the act or acts of shipping potatoes, or who causes potatoes to be

shipped is a handler. Such persons are responsible for the grade, size and quality of potatoes delivered to transportation agencies, or which are transported or sold in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce, and such persons are handlers.

Common or contract carriers transporting potatoes which are owned by another person are performing a handling function but such handling should not be regulated under the marketing agreement and order because such carriers are not responsible for the grade, quality and size of the potatoes being transported. Neither are they responsible for the introduction of such potatoes into the stream of interstate commerce. Also the sole interest of common or contract carriers in such potatoes is to transport them for a service charge to destinations selected by others. The responsibility for the grade, quality, and size of such potatoes delivered to a common or contract carrier should be borne solely by the person or persons responsible for delivering such potatoes to the carriers.

Therefore, the term handler or shipper should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

The term "ship" or "handle" is defined in the marketing agreement and order to determine those transactions by handlers which fall within the authority for regulation under this program. Ship and handle are synonymous. Ship should include the act of shipping or handling and the activities by handlers which are included within these terms. The handling of potatoes under the marketing agreement and order begins with the movement of such potatoes from the field where grown and continues to follow such potatoes until they reach the retailer. Ship also means the sale of potatoes grown in the production area at any point between the time that they begin to move from the field until they reach the retailer.

The growing and harvesting of potatoes in the production area are a producer function and should be construed as operations of the producer in his capacity as a producer. The digging of potatoes is a harvesting activity performed as a grower function, even though it is an essential preliminary to the marketing of potatoes because until potatoes are dug from the ground, their specific identity, kind, and quantity are unknown.

It is a common practice during the early part of the harvesting season in September for some potatoes grown in the production area to move directly from the field to market. However, the great bulk of potatoes dug in the latter part of September and in October are stored and disposed of during the following seven to nine months period. The storage of such potatoes is a handling activity because stored potatoes are thereby held and continued in commerce regardless of the location of the storage, in order to take advantage of market price differentials resulting, in part, from such activity.

The initial handling activities begin with the picking and loading of potatoes at the time they begin to move from the field. This initial activity applies to all potatoes regardless of whether they move into market for immediate consumption or whether they go to storage. Some handlers pick potatoes from the field and put them in baskets or barrels, sometimes in sacks, and then haul them directly to market. Such potatoes also may be sold immediately after picking and move to market. In such instances the operation of picking potatoes constitutes a preparation for market because the person responsible for the picking has left some potatoes behind because they are too small or too large, or cut, or sunburned, or rotten, or in some other manner unsuitable for the market outlet to which the bulk of the potatoes are destined. The operation of picking the potatoes and of preparing them for market in any other manner is a handler function regardless of whether it is performed by the grower of such potatoes or by others because this operation makes such potatoes a visible and direct part of the supply of such potatoes available for market and it is the first step in actually moving such potatoes into market channels. Such potatoes can sometimes continue moving in market channels to the retailer or other ultimate outlet without further preparation for market. In the past it has been fairly common practice to ship potatoes as they come from the field, commonly known as field-run, to storage points outside the State. This practice constitutes handling. The picking, loading, hauling, or any other movement of such potatoes from the spot where grown places them in commerce by virtue of such movement and, in addition, such activities cause the potatoes to become a part of the visible supply of potatoes which are available for market, and which directly burdens, obstructs or affect interstate commerce. The sale of such potatoes at any time during these initial marketing activities continue such potatoes in commerce because such sale constructively moves the potatoes in the stream of commerce from the seller to the buyer or consignee and actual movement of such potatoes in the stream of commerce pursuant to the instructions to the buyer or consignee constitutes sale or transportation, or both.

All potatoes grown in the production area, which are grown for market, are graded or prepared for market and such processing activities are handler functions in the marketing of such potatoes which are included in the definition of ship or handle.

Although potatoes stored in the production area are part of the stream of potatoes moving to market, such potatoes usually are given a grading or preparation for market before they are finally sold or transported by handlers. Therefore, only such regulation of movement to storage is necessary which will maintain the continuing control and identification of such potatoes so that they may move freely in accordance with the owner's wishes, provided that before sale and transportation as tablestock or seed, they are prepared for market in the

customary manner and after such grading the potatoes moving to table stock or seed market accord with existing regulations. The storage of such potatoes is a common practice and the movement of such potatoes to storage needs to be identified only to the extent that assurance will be established that they come to rest and remain in storage before they are finally graded and prepared for market.

The movement of potatoes out of storage and the running of such potatoes over a mechanical grader, or the preparation of such potatoes for market by any other means, comes within the definition of ship or handle because such activities determine the various outlets to which potatoes can go and they have a direct effect upon the price which potato growers shall receive for their crop. The matter of compliance with regulations which are authorized by the marketing agreement and order can be determined by the handler who is grading or preparing such potatoes for market. The primary responsibility for the grade, size, and quality of potatoes in any given unit, or in any given lot rests with the person or persons responsible for the grading operation and for the kind of potatoes which are put in the sack or the shipping unit.

The act of selling such potatoes makes the persons who make such sale a shipper or handler because such sale directly affects the market for potatoes and it thereby becomes a burden or obstruction of interstate commerce in such potatoes. The transportation of potatoes also directly burdens, obstructs or affects interstate commerce in potatoes for it has a direct bearing on the market and the movement and sale of potatoes, regardless of whether such sale or movement is within the State or outside the production area, is so inextricably intermingled that it becomes a part of the stream of interstate commerce.

With the exception of the processes or activities specifically excluded from the definition of the term ship, all activities from the time potatoes grown in the production area are picked until they are offered for sale at retail, by a person in his capacity as a retailer, are included in the process of handling. The definition of ship or handle does not include the sale at retail of potatoes, as defined in the marketing agreement and order, by a person in his capacity as a retailer. The activity of the producer including the growing and the digging of potatoes are not included in the definition of ship or handle because such activities are construed as falling within the capacity of a producer as such. All other sale and transportation as herein described which occurs between the time such potatoes are picked or otherwise prepared for market and sale at retail are included within the definition of ship or handle.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the recommended marketing agreement and order. Those terms should be defined for the purpose of designating specifically their applicability, and establishing approximate limitations of

their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative.

The definition of "person" follows the definition of that term as set forth in the act, and is intended to cover all possible legal entities.

"Grading" and "preparation for market" are synonymous and mean the sorting of potatoes by hand or mechanical means, or both, so that such potatoes are separated into grade, quality or size classifications. Such classifications may be, and usually are, determined by a handler who directs in person or through his agent how and in what number of classes the particular lot of potatoes shall be separated. Grading may vary from an operation performed entirely by hand which picks out certain potatoes when they are being picked up after digging, to a production line operation whereby potatoes are carried by mechanical conveyor to a series of moving screens and tables, where sizes are determined and good quality, as represented by grades and sizes, or both, is separated from bad so that the potatoes which are to go to preferred price outlets are separated from those going to discounted price outlets. The grading or preparation for market is an operation that applies to all potatoes grown in the production area, even though the extent to which potatoes are separated into classes may vary considerably among the types of ultimate outlets. For example, sales of potatoes in table stock outlets usually result in a lot of potatoes being carefully graded so that only the preferred qualities and sizes are shipped to such outlets while the off grades and off sizes go to starch plants, livestock feed, or to similar outlets which do not require such careful separation into market classifications.

The definition of grading or preparation for market should mean the sorting or separation of potatoes into grades and sizes by any means. The definition should be as set forth in the marketing agreement and order.

Definitions of "grade" and "size" are incorporated in the order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms in (i) the official standards for potatoes issued by the United States Department of Agriculture,

(ii) the State of Maine Standards for potatoes issued by the appropriate authority within the production area, and (iii) to modifications or amendments of such standards, and to variations of such standards by regulations under the marketing agreement and order. Regulations under the order can then use such terms (grade and size) with the constant meaning assigned thereto in such standards, or in such modified or amended standards, or such regulation can vary such terms by prescribing, for example, a percentage of a grade, as may be required at the time of issuing such regulation. Official inspectors are qualified to certify to the grade and size of potatoes, grown in the proposed production area, in terms of any one of the aforesaid standards, or modification, amendment, or variation thereof.

"Producer" should be defined to mean any person who is engaged in the production of potatoes within the production area and who is producing such potatoes for market. A definition of the term producer is necessary for appropriate determinations as to eligibility to vote for, and to serve as a grower or alternate grower member of the marketing committee, and for other reasons. The term should be limited to those who have an ownership interest in the potatoes produced in the production area. It should not include laborers or others who perform work for a fee for hire in producing the potatoes.

The definitions of "marketing committee" and "administrative committee" are incorporated in the marketing agreement and order to identify the administrative agencies which are responsible for assisting in the administration of the program. Marketing committee means the Maine Potato Marketing Committee which is established for the purpose of recommending grade, size, and quality regulations, and for making other recommendations incidental thereto, as authorized by the marketing agreement and order. The administrative committee means the Maine Potato Administrative Committee which should be composed of members or alternates of the marketing committee and which should have the duties of attending to the housekeeping functions of the program for the marketing committee and for the Secretary.

"Fiscal period" is defined to mean the period beginning and ending on specific dates as recommended by the administrative committee and approved by the Secretary. Evidence indicates that the administrative committee and the Secretary should be authorized to set up a fiscal period for one year, if that is desirable and justified, or for two or more years, or for periods of less than a year if the committee and the secretary are justified by fact in doing so. This definition provides authority for the administrative committee and the Secretary to set the beginning of a fiscal period relatively close to the opening of the shipping season so that a minimum of expenses may be incurred by the administrative committee prior to the receipt of revenues from current shipments to cover such expenses. There is a definite break in shipments between one

potato marketing season and another in the State of Maine so that no difficulty should be encountered in establishing the beginning of one marketing year and the close of another.

The term "varieties" is included in the marketing agreement and order so that the marketing committee and the administrative committee may recognize the real differences in the characteristics of different varieties and the differences in types of regulations which might be considered and recommended therefor. The great bulk of potatoes now being produced in the State of Maine fall within the general group known as the round white varieties. However, some of the so-called red varieties are produced and evidence indicates that there has been an increasing production of the Russet Burbank or long varieties. Differences by groups of varieties should be recognized by the two committees in their deliberations and the marketing agreement and order should authorize different regulations by different varieties. It is particularly important, especially in the development of a new variety, that the marketing agreement and order should contain authority to provide special treatment, such as freedom from regulation, for such variety. The means set forth in the definition of varieties is appropriate for determining different varieties of potatoes grown in the production area.

"Seed potatoes" and "table stock potatoes" are each defined in the marketing agreement and order so that different regulations may be authorized for each commonly recognized class of such potatoes. The production of potatoes for seed purposes has become an important part of the potato industry in the State of Maine. Such potatoes are handled by growers from the time before they are planted, through the growing cycle, and through harvest and storage so that they will not become contaminated by any disease or other undesirable characteristic. Seed potatoes normally bring a slight premium over table stock potatoes. Special regulations for seed potatoes are justified because such potatoes are produced not only for a specialized use but also because the requirements of the seed market differ, in some respects, from those on the table stock market. For example, small sized potatoes are usually discounted in the table stock market, but the same sizes in seed may return a premium price. Producers of seed potatoes are required by State regulations to abide by certain precautions in the production, storage, and handling of such potatoes and operations of seed producers are conducted under inspection of plant pathologists or other technically qualified personnel. Producers who have qualified for seed under State of Maine seed requirements are allowed to identify, under the supervision of the State, for seed potatoes after certifications by the appropriate seed certifying agency. Such certification allows the use of "identifying tags" which the producer or handler may attach to each bag of potatoes identifying such potatoes as certified seed. Such identification allows the industry to set seed potatoes apart

from table stock potatoes and the distinction commonly recognized by the industry can be easily recognized also by the marketing committee and the administrative committee in considerations of proposed regulations. Therefore "seed potatoes" should be defined to include those potatoes grown in the production area which are officially certified and tagged or otherwise appropriately identified under the supervision of the official seed certifying agency of the State of Maine or other seed certification agencies which the Secretary may recognize.

"Table stock potatoes" or "table stock" is defined to include all potatoes other than those which qualify under the definition of seed potatoes. Some growers who raise potatoes that could be certified as seed under State regulations do not have them certified as seed because of the additional expense of doing so. Some potatoes, although rather good seed stock, do not qualify for certification because of slight deviations from the seed standards. Within the area of production potato producers often recognize that some potatoes, although uncertified, are acceptable for planting because the prospective buyer knows the producer and even the fields from which the potatoes are dug. Sales of such potatoes within the production area are quite common during certain portions of the year. The committees should be authorized to treat potatoes which are being sold among producers or planted in the production area on a special basis so that they may continue to follow the practice which has been recognized for a long time in the potato economy of the State of Maine.

"Pack" is defined as the basis for distinguishing among the various units in which potatoes are prepared for market and shipped. The term pack is commonly used throughout the potato trade and refers to one or more of a combination of factors related to grade and to size of the potatoes and to the size and type of container. For example, U. S. No. 1 grade, size A, when put in 100 pound bags often is referred to as a specific pack. U. S. No. 1, size 2½ to 3½ inches, also may be referred to as a specific pack and with additional differentiation when packed in ten pound bags, or in any larger units. Evidence indicates that it is desirable for the marketing committee and the Secretary to have the authority to allow U. S. No. 1 size B potatoes to be shipped at times when prices are high if they should be put in certain size containers. Also, the current trend in efficient merchandising of potatoes appears to be to limit the sizes that may be put in certain size bags, particularly the ten or fifteen pound bags that normally go direct from the packer to the consumer without being opened. Under the operation of the previous Federal Marketing Order No. 87, a distinction between wholesale packs and consumer packs was defined. However, the administrative committee found that it would have tended to promote more orderly marketing if there had been authority in the order to distinguish among more than just two packs. In addition, the State of Maine

potato promotion program has in the past through the use of "Chefs Specials", recognized the differences in packs by grades, sizes, and size of package. It is essential that such authority should be authorized in the marketing agreement and order and the definition therein set forth for the term "pack" should be included.

"Export" is defined in the marketing agreement and order to include all shipments of potatoes beyond the boundaries of continental United States. Separate treatment for export shipments is desirable and necessary because the nature of the demand for potatoes in export markets differs from the requirements in the domestic markets and, therefore, different or special regulations are justified with respect to shipments into different types of outlets.

"District" is defined in the marketing agreement and order as referring to each of the geographical divisions of the production area, either initially established or as reestablished later, which provide a basis for the nomination and selection of committee members. The provision for districts is adequate and equitable and it provides a practical basis for the purposes for which they are intended.

(b) The act provides for the selection by the Secretary, or a method for the selection, of agencies to exercise specified powers and defined duties. The agencies proposed for this purpose by the industry are the marketing committee, called the Maine Potato Marketing Committee and the administrative committee called the Maine Potato Administrative Committee. The principal duties of the marketing committee center around the recommendations regarding marketing policy and marketing regulations. This is the larger of the two agencies, comprised of 20 members, which represents fairly and equitably the potato producers and handlers among the production area. The administrative committee, composed of at least three members or of any other number recommended by the marketing committee and approved by the Secretary, shall be selected from among members or alternates on the marketing committee. The primary functions of the administrative committee are to relieve the marketing committee of the day to day routine affairs such as management of fiscal affairs, personnel, and other housekeeping duties that may require more frequent meetings than are necessary for deliberations on marketing problems which necessitate meetings of the larger group, the marketing committee. Provision for the administrative committee is adequate and practical because such arrangements relieve the larger group from responsibilities for minor administrative affairs while at the same time the marketing committee, through its authority to recommend members on the administrative committee, retains overall policy control of the administrative committee's activities. The division of responsibility between the two committees is supported by evidence offered by the industry and the plan for each committee's operations is practical and efficient.

The marketing committee membership of 15 producers and five handlers

is equitable and practicable. Evidence supports the finding that this plan of representation has received intensive study by the industry and that, after thorough consideration, such division of responsibility between producers and handlers is appropriate.

The administrative committee should consist of not less than three members, and any larger number which the marketing committee may recommend and the Secretary approve. The administrative committee is primarily an executive committee for the marketing committee. The provision that this group should be set up as an administrative committee and given the title of the Maine Potato Administrative Committee formalizes the responsibilities and duties of this committee and establishes its scope of operation. It is appropriate and practical that the marketing committee should be authorized to recommend alternates for membership on the administrative committee and that such alternates may be selected upon approval of the Secretary.

It is practical and equitable that selection of marketing committee members and alternates should be on the basis of districts as provided for in the marketing agreement and order. This provides a geographical basis for selection of such members. Such geographical basis may be, and for purpose of initial membership has been, related to the number of producers and the production of potatoes within the production area so that a practical basis for establishing equity has been reached. The provision that three producers shall be selected as marketing committee members and one producer shall be selected as a marketing committee alternate from each district is equitable and it meets with the wishes of the industry as shown by the evidence. The provision that there should be one producer selected as an alternate marketing committee member provides a practical working basis for having producer representation when any one producer member from a district is absent. The provision that one handler shall be selected as a marketing committee member and one handler shall be selected as alternate from each district also accords with industry proposals and provides a practical and equitable basis for handler representation on the committee.

The provision that members of the administrative committee shall be selected from among the marketing committee members or alternates provides an appropriate basis for selection of the administrative committee which provides service for the marketing committee.

Each producer or handler member of the marketing committee should be a producer or handler or an officer or employee of a corporate producer or handler, as the case may be, of potatoes in the district for which selected and each such person should be a resident of such district. A person with such qualifications should be intimately acquainted with the problems of producing or marketing potatoes grown in such district and each may be expected to present accurately the problems incident to production or marketing of potatoes grown in that district. The qualifications for

alternates shall be the same as for the members for whom they may act. Such qualifications should help to assure that the interests of the group from which each is selected will be adequately represented in marketing committee or administrative committee deliberations.

Districts are established to provide a basis for selection of marketing committee members. The districts as initially established were worked out by a committee of industry spokesmen and they represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the marketing committee. The provision for redistricting is desirable because it allows the marketing committee to consider from time to time whether the basis for representation could be improved and how such improvements should be made. The guides as set forth in the marketing agreement and order which the marketing committee should keep in mind in considering redistricting are appropriate and desirable points of reference that relate directly to the welfare of potato producers and handlers.

The term of office for marketing committee and for administrative committee members and alternates should be provided in the marketing agreement and order to establish an orderly procedure for changing the membership of such committees. The term of office of producer members of the marketing committee should be for three years so that the committee may have the benefit of continued membership up to the end of a three-year period. Also, with three producer members from each district a turn over of one member each year would be provided under the three-year term of office and such a plan is considered desirable by the industry as shown by the evidence. In order to provide that one of the three producer members from each district shall be selected each year, provision is made in the marketing agreement and order that the terms of office of the producer members of the initial committee shall be so determined that one-third shall be for one year, one-third for two years and one-third for three years. This will provide the basis for changing one producer member from each district during each succeeding year. The term of office of the alternate producer member, also of handler members and alternates should be for one year because the producer alternate would thereby be eligible for election as nominee to whatever vacancy occurs in the producer membership list. In the same manner handler groups should be free to designate new membership on the committee each year as they so desire. Evidence shows it is appropriate and desirable that no member, whether producer or handler shall serve for more than three consecutive years. A producer member or a handler member may be selected again if, after serving three consecutive years, he drops out for a year.

The term of office of members and alternates of the administrative committee should be for one year because the marketing committee members, from which administrative committee membership is drawn, change to some extent

each year. Therefore, administrative committee members' term of office should be for one year so that new members on the marketing committee can be selected, if desirable, for membership on the administrative committee.

It is necessary that committee members and alternates should serve during the term for which they are selected and have qualified and that they should continue to serve until such time as they are succeeded by another member. Continuity of marketing committee structure can be maintained only by providing that no vacancies on committee membership shall arise simply because of the lack of providing new members to take their place.

A procedure for the election by growers and handlers of nominees for membership on the marketing committee should be prescribed in the marketing agreement and order. Such provision is intended to provide for assistance by the potato industry to the Secretary in his selection of members and alternates on the marketing committee. It is customary in the Maine potato industry for growers and handlers to conduct meetings to establish their preference for positions of trust and responsibility in the potato industry. The nomination of prospective members and alternates at meetings of growers and handlers in the respective districts is a customary and practical method of providing the Secretary with the names of the persons which the industry desires to serve on the marketing committee. In order to obtain an indication of the industry's preference for membership on the initial committee, meetings of growers and handlers may be sponsored by the United States Department of Agriculture, or by any agency or group requested to do so by the Department. This provides a practical and an expedient means of initiating movement whereby the industry may express its wishes and preferences with respect to marketing committee membership.

Nomination meetings for the purpose of electing nominees for members or alternates on the marketing committee after the initial committee should be held or cause to be held prior to May 1 of each year. Such meetings may be held by the administrative committee or by persons or groups requested by such committee to hold such meetings.

The term of office of initial committee members shall begin as of the date of their selection and shall end on the date designated in such selection. After the initial committee the terms of office of marketing committee members and administrative committee members shall begin as of July 1. Each year the vacancies which are open in the membership of the marketing committee and of the administrative committee shall be filled for a term beginning on July 1 and continuing until the end of such term which shall be as of June 30 of the year corresponding to the length of office for which the member was selected. For example, the term of office of a producer member may begin on July 1 and end on June 30 of the third year following. The term of office of the administrative committee members, or of a handler mem-

ber of the marketing committee, may begin on July 1 and end on June 30 of the following year.

At least two nominees should be designated for each position as member and each position as alternate so that the Secretary will have a choice in making his selection. In addition, if a selectee declines to serve, the Secretary would also have the name of another prospective member or alternate from which to make a selection. It is the desire of the industry, and it is appropriate that producers or handlers voting at such industry meetings may ballot for nominees to indicate the ranking of their choice for each position to be filled. Nominees lists should be supplied to the Secretary in the form and manner prescribed by him so as to establish administrative uniformity in the handling of such matters. Such nominations for marketing committee member and alternates should be supplied to the Secretary not later than June 1 of each year. Nominations for administrative committee members and alternates should be supplied to the Secretary not later than July 15 of each year.

Only producers may participate in nominating producer members and alternates on the marketing committee and only handlers may participate in nominating handler members and alternates on the marketing committee. Evidence indicates that such plan is desired by the industry and that it is necessary to maintain a proper reflection of the respective viewpoint of producers and handlers on their deliberations on committee matters. If a person is both a producer and a handler he may vote either as a producer or as a handler by electing the group with which he wishes to participate. Such person may not vote both as a producer and a handler. If a person produces or handles potatoes in more than one district, such person should select the district in which he wishes to cast his vote for nominees on the marketing committee.

Each person participating either as a producer or as a handler in the industry meetings for election of nominees to the marketing committee should be limited to one vote on behalf of himself, his agents, subsidiaries, or affiliates, or representative in designating nominees. Voting on any other basis would not provide for equitable representation because it would give the grower or handler with interest in more than one district a greater voice in election of nominees than the producers or handler operating in only one district. The plan of one vote for one person should be so construed that the person eligible to vote either in a producer meeting or a handler meeting shall be allowed to cast one vote for each position which is to be filled from among the group with which he affiliates. For example, at meetings for election of nominees to the initial committee each person voting as a producer in a given district would be allowed to cast one vote each for each of the three producer member nominees and one vote for the alternate producer member.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement

and order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should, of course, be on the basis of the representation provided in the marketing agreement and order so that the composition of the committee will at all times continue as prescribed therein.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee will not be delayed unduly. Provision should be made for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

It is also desirable and necessary that the Secretary should be authorized to fill marketing committee or administrative committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of administrative agency operation and to insure that all portions of the production area are adequately represented in the conduct of marketing committee business.

An alternate selected from the same group and from the same district should be authorized to act in the place and stead of a member during such member's temporary absence. Continuity of operation of the marketing agreement and order is best assured by such authorization. Similarly, an alternate from the same district and from the same group should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Alternates acting in the place and stead of a member may continue to act in such capacity until the member returns to his duties, or until a successor for the member has been selected and has qualified.

One producer is authorized as alternate from each district, although three members are selected. This plan was proposed and supported by the proponents in the interests of maintaining a marketing committee of practical, workable size, and for economy. It is appropriate that this method for the establishment of the administrative agency, the marketing committee, should be provided in the marketing agreement and order.

A marketing committee quorum should consist of a majority of the members from at least four districts, which means that a minimum of twelve members comprised of at least three members

from four districts shall be required. This not only insures one more than a majority of the committee, but also a majority of the membership from at least four districts, which provides an additional assurance that committee decisions should present an accurate cross section of industry thought and attitudes.

A majority of the marketing committee should be required to concur in any marketing committee action in order for it to pass. This would mean that at least eleven concurring votes should be required to affirm any marketing committee action and such affirmative number is deemed adequate.

A majority of the administrative committee should be required to constitute a quorum. The requirement that a majority is necessary for a quorum on the administrative committee is reasonable and such number is found to be adequate. In the same manner, the requirement that a majority of the administrative committee members must concur in an action in order for it to pass is reasonable and adequate.

The marketing committee and the administrative committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast at other than an assembled meeting should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

Marketing committee members and alternates, also administrative committee members and alternates, should receive compensation plus reasonably necessary expenses, for their services to their respective committees. Such compensation should be at rates not in excess of those established by recommendation of the marketing committee and approval of the Secretary. Compensation or expenses, or both, for services by marketing committee or administrative committee members shall be allowed only for those specifically requested or directed by the marketing committee or by the administrative committee. Members should be compensated at authorized rates so that they may avoid personal financial loss which might otherwise occur from service to such committees. Such loss could result from the necessity of employing others to perform work which the marketing committee or the administrative committee members, or alternates, would do if they were not engaged in official duties for their respective committees. Reimbursement for reasonably necessary expenses is also required to offset actual out-of-pocket expense incurred in performing duties in connection with the marketing agreement and order.

The administrative agencies should be given those specific powers which are set forth in section 8c (7) (C) of the act, because such powers are granted by the enabling statutory authority and they are necessary so that administrative agencies of the character set forth in

the marketing agreement and order can function.

The administrative agencies' duties, as set forth in the marketing agreement and order, are necessary for the discharge of their responsibilities. The division of duties between the marketing committee and the administrative committee is a practical arrangement establishing specific responsibility for each agency which should enable them to expedite and promote efficient administration of the marketing agreement and order. The duties established for the two committees are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by members or alternates of the marketing committee or of the administrative committee will be confined to those which are reasonably necessary for the administrative agencies to carry out their responsibilities as prescribed in the marketing agreement and order. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which are incidental to, and not inconsistent with, the terms and conditions of the marketing agreement and order which the committee may need to perform.

(c) The administrative committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the administrative agencies during each fiscal period for the maintenance and functioning of such agencies and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate. The expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments to the total shipments by all handlers during specified fiscal periods. The basis for determination of the ratio of shipments by individual handlers should be based upon the records of such shipments by first handlers thereof.

The administrative committee shall be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the marketing agreement and order. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the administrative committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the administrative agencies.

The funds to cover the expenses of the administrative agencies should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies such as the Maine Potato Marketing Committee and the Maine Potato Administrative Committee, and the statute also requires that each marketing

agreement and order issued pursuant to the act should contain provisions requiring handlers to pay their pro rata share of the necessary expenses. Moreover, in order to assure continuance of the administrative agencies, the payment of assessments by handlers may be required irrespective of whether particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay the administrative committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the administrative agencies during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of potatoes handled by him as the first shipper thereof during a specified fiscal period and the total quantity of potatoes so handled by all handlers during the same fiscal period. For assessment purposes the first handler should be deemed to be the person who first applies for inspection. For potatoes which are not inspected, the handler responsible for assessments should be the handler so designated by the administrative committee and, in general, should be the handler who first ships after such potatoes have been subject to grading. The payment by handlers of assessments should be on potatoes first shipped by such handler and first shipment should apply to potatoes when they have been subject to grading or preparation for market. The regrading of potatoes should constitute preparation for market and the sale or transportation of potatoes after they have been regraded or resorted should constitute first shipment thereof and make such potatoes liable for assessments on the basis of first shipment of such commodity. Assessment rates may be recommended by the administrative committee and applied by the Secretary to any lot, pack or unit of shipment. For example, assessment rates may apply to carlot shipments, or they may be applied on a hundredweight basis, or by any other unit of shipment commonly used in marketing potatoes grown in the production area.

At any time during or subsequent to a given fiscal period the administrative committee should be authorized to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary administrative agency expenses and revenues. Upon the bases of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets and, if he finds that the then current rate of assessment is insufficient to cover administrative agencies' expenses and permit proper administration of the marketing agreement and order, he should be authorized to increase the rate of assessment. The marketing agreement and order should authorize that such increased rate of assessment may apply on a retroactive basis to all potatoes previously shipped by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Funds received by the administrative committee pursuant to the levying of assessments should be used solely for the purpose of the administration of the marketing agreement and order. The administrative committee should be required to maintain books and records clearly reflecting the true, up-to-date operations of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate, as well as employees, agencies, or other persons working for or on behalf of the administrative committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary may at any time ask for such accountability. Whenever any person ceases to be a member or alternate of the administrative agencies he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments which may be appropriate to vest in their successor, or agency, or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the administrative agencies should recommend that the operations of the marketing agreement and order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the administrative committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This provides a practical measure whereby the administrative agencies' business affairs may be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary.

The administrative committee should provide periodic reports on its fiscal operations. It is expected that audit reports shall be requested by the Secretary at appropriate times, such as the end of each marketing season, or at such other times as may be necessary to maintain appropriate supervision and control of the administrative agencies' affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period, or at the end of such other period as may be deemed appropriate for seasonal accounting. Such refund should be credited to each such handler against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

If and when administrative agencies are required to wind up their affairs upon termination of a marketing agreement and order authorizing such administrative agencies, considerable expense is involved in the liquidation process. The affairs of the administrative agencies which are to be liquidated usually result from a number of years operations and under normal accounting procedures the cost of such final liquidation would be a

deduction against the accumulations over the entire period of operations. It is appropriate, therefore, for the maintenance and functioning of the administrative committee that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation of administrative agencies in the event that the marketing agreement and order are terminated.

(d) The declared policy of the act is to establish and maintain such orderly conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes. The regulation of shipments of potatoes by grade, size or quality as authorized in the marketing agreement and order provides a means of carrying out such policy.

The procedures and methods which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, or quality regulation provides a practical basis for the administrative agencies to obtain appropriate and adequate information relating to potato marketing problems. Also other members of the industry, including both growers and handlers, are provided with the information regarding the policies and regulations recommended by the marketing committee. The factors set forth in the marketing agreement and order which the marketing committee should take into consideration in developing its marketing policies are the cases commonly and usually taken into account by growers and handlers in their day to day evaluation of the market outlook with respect to potatoes.

In order that the Secretary may effectively carry out his responsibilities in connection with the marketing agreement and order, the marketing committee should prepare and submit to the Secretary a report on its proposed marketing policy, or amendments thereto, relating to the marketing of potatoes during each season. The initial marketing policy offered each season by the marketing committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This will give all interested parties the maximum notice of probable regulations. Reports on marketing policy and regulations recommended by the marketing committee should be submitted to the Secretary and presented to the industry by the administrative committee.

The marketing committee, which has sole responsibility for recommending grade, size, or quality regulations, as well as modifications, suspensions, amendments or terminations thereto, should be authorized to consider and recommend any or all methods of regulations which are authorized by the marketing agreement and order for the Secretary to issue thereunder. Evidence shows that authority should be established in the marketing agreement and order to issue regulations with respect to grade, size,

or quality in any or all portions of the production area during any period. Such grade, size, or quality regulations should be applicable to table stock potatoes or to seed potatoes or both. The limitation of shipments of poorer grades, off qualities, and less desirable size of potatoes grown in the production area will tend to increase prices of more desirable grades, qualities and sizes and to promote more orderly marketing and increase the returns to producers of such potatoes. The standards for potatoes as issued by the U. S. Department of Agriculture, or by the State of Maine, or both, provide a common and acceptable means of determining grade, size or quality of potatoes grown in the production area. Such standards are widely used throughout the production area and both producers and shipping point handlers, as well as buyers, are acquainted with such standards and commonly use them in their market transactions. The less desirable sizes of potatoes which may be considered for limitation under the authority granted in the marketing agreement and order should include not only small potatoes but also excessively large potatoes. Such size limitations should also provide authority for limiting the size of potatoes which may be placed in seed stock or in table stock, as well as in any given pack of either. The poorer grades and off qualities include not only the unclassified potatoes as set forth in the Federal and in the State standards for potatoes, which are commonly referred to as culls, but also other potatoes which show defects as set forth and described in such standards and in any modifications or amendments thereto which may be considered desirable by the Secretary. The limitation of shipments by prohibiting movement of poorer grades, off qualities, and less desirable size of potatoes will help to improve orderly marketing conditions for such potatoes and by enhancing the long run demand for and competitive position of potatoes grown in the production area.

The orderly marketing of potatoes grown in the production area, with the objective of increasing returns to producers of such potatoes, will be promoted by authorizing the regulation of shipments of particular grades, sizes, or qualities of potatoes differently for different varieties, differently for table stock or seed, differently for different portions of the production area, differently for different packs, or differently for any combination of these groups, during any period. Demand for different varieties of potatoes establishes price preferences for different grades or sizes, or both, of such varieties. For example, the common practice of many shippers of Maine potatoes has been to ship only No. 1 grade or better in the round white varieties, which constitute the bulk of Maine potato production. Some handlers who have followed the above practice find that their shipments of Russet Burbank potatoes, a long variety now being introduced into Maine, should not be limited to No. 1 grade, but a ready market at premium prices is also found at present for U. S. No. 2 grade. In

addition, the minimum size for the long varieties may well be different, and usually is different, from the minimum size for round varieties. Also, grade and size limitations for red varieties should receive different consideration than for either the round white varieties or the long varieties. It is possible that some varieties, such as new, promising seed varieties, should not be regulated at all.

Small size potatoes usually return a premium in the seed market but they are discounted in the table stock market. Therefore, different regulations should be authorized for table stock and seed. It is possible that weather conditions may vary from one portion of the production area to another, or hail storms and other weather damage may affect a certain portion of the production area more than others. Authority should be established in the marketing agreement and order for the committee to consider such differences and to recommend the issuance by the Secretary of different regulations to accommodate such differences in the crop arising out of acts beyond human control. It has been a common practice in the production area for some years to prepare specific packs of potatoes for market. For example, the State of Maine potato merchandising program has promoted certain packs, such as those termed "Chef Specials," also "Super Spuds." Each classification has been emphasized by the industry in its dealings with the public and with receivers at terminal markets. Specific limitations are placed on the grades, quality and sizes of potatoes which may be placed in such packs. In addition there has been a tendency in recent years—and professional market analyses by specialists at the University of Maine to support the soundness of this industry movement—to limit the size of potatoes which may be placed in certain packs, such as so-called consumer packs. For example, it has been found that consumers want, and will pay premium prices for potatoes in ten pound sacks if they are limited in the range of sizes within such packs. Also, evidence shows that the industry should have authority to establish the specific packs that could move certain grades or sizes, such as U. S. No. 1 size B, in particular size packages so that such grade and size classification of potatoes go to market in the most economical and efficient manner. These trends indicate the possibilities which the Maine potato industry is exploring in an effort to promote more orderly marketing and to improve growers returns for potatoes. The marketing agreement and order should authorize different regulations for different packs so that this part of the marketing program may help to assist the industry in furthering present merchandising approaches if they are found to be sound. The marketing agreement and order should authorize different regulations during any period so that the committee and the Secretary may take account of different supply and demand conditions as they may arise and become apparent.

(e) The marketing committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, and

such grading and inspection requirements, during any and all periods when potato prices are above parity as will be in the public interest. Some potatoes are of such low quality that they do not give consumer satisfaction at any time because of the large amount of waste and the time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality potatoes, as culls, and when prices are above parity it is not in the public interest either of the producers or of consumers to permit shipments of such poor quality. The shipment of immature potatoes also tends to disturb market conditions for the commodity and the discounted prices received for such immature potatoes adversely affects grower prices. The marketing agreement and order should authorize the establishment of minimum standards of quality and maturity as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

(f) The Secretary, upon the basis of recommendations and information submitted by the marketing committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to shipments of potatoes for purposes other than disposition in normal commercial markets for table stock potatoes. The marketing committee should be well qualified, because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the Maine potato industry and which will tend to effectuate the declared policy of the act. Potatoes moving to or sold in certain outlets, such as those specified in § 970.53 of the marketing agreement and order, are handled in a different manner, or they accept different grades, sizes, or qualities, or different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the marketing committee and the Secretary to give appropriate consideration to shipments of potatoes for such purposes so that full opportunity may be taken by this program to improve orderly marketing conditions for potatoes, thereby promoting the tendency to increase total returns to potato growers in the production area.

The shipment of potatoes grown in the production area begins with the movement of such potatoes in the field where grown to any other point and shipment includes the sale of such potatoes at any time after they have been picked and begin movement, because some of such potatoes move directly to market without further sorting or separation and in addition, the movement of such potatoes to any point beyond the field where grown makes them a part of the visible supply of such potatoes. If such potatoes move to another point within the production area where they are graded or to storage within the production area it is not necessary that they

should comply with the regulations that might be issued to protect the table stock market and the marketing agreement and order should provide authority for the marketing committee and the Secretary to make exceptions to regulations applying to such sale or movement. The sale of potatoes while they are in storage should be included within such authority to exclude that type of transaction from regulation. Such authority is appropriate and necessary so that common and usual practice may be recognized and provided for and because any attempts to apply table stock regulations to such movement might prove an excessive burden upon producers and handlers. In addition, such potatoes are normally graded or otherwise prepared for market before moving into table stock or seed channels.

The marketing agreement and order should provide authority for making exception to regulations on movement or sale of potatoes within the production area which are to be planted within the production area. It is a common practice for potato growers to buy and sell potatoes for planting, even though such potatoes are not certified seed, because they know the origin of such potatoes, the fields in which they are grown or the reputation of the grower and they are willing to buy such potatoes for seed purposes because of their personal knowledge of both the producer and the product. Authority should be provided to recognize this local practice and to allow such practice to continue without violating regulations.

Some export markets accept certain grades, and particularly some sizes, which normally are heavily discounted in domestic markets. The marketing agreement and order should authorize special consideration for such markets so that this demand can be met and the sale of potatoes grown in the production area will continue in such markets.

The marketing agreement and order should provide special consideration for shipments of potatoes which are purchased by the Federal government. This authority should be sufficiently broad to apply to all government purchases whether they are for school lunch programs, relief, for starch or alcohol diversion, for military use, for institutional use, or for any other purpose. The marketing agreement and order should be authorized to recognize any unique demands which may arise in the case of purchases by the Federal government.

The marketing committee and the Secretary should have authority to give special consideration to potatoes which move to manufacture or which may be converted into specified products. Evidence shows that potatoes used by some processors may go either to dehydration or to canning, or to freezing, and the purchaser may not know at the time of purchase whether such potatoes may be dehydrated and placed in sacks or whether they may end up as some other product. In other cases potatoes are purchased for processing and after purchasing sizes and qualities most suitable for seed are taken out and the remainder continues to processing plants. Therefore, the sale or movement of the raw

product potatoes moving to such processing plants directly burdens, obstructs, or affects interstate commerce in all potatoes grown in the production area and the marketing agreement and order should provide authority for regulating the grade, size, and qualities for such potatoes in a manner best suited, within the limitations of the act, to the promotion of orderly marketing conditions. Such authority is necessary and incidental to the operation of the grade, size, and quality regulations with respect to the bulk of movement into table stock and seed channels.

Evidence shows that a practice, which may increase, has started among Maine potato growers and handlers of holding potatoes in so-called warm storage to promote proper conditioning for manufacture into potato chips. Such conditioning usually puts the potatoes in a preferred condition for potato chips but in a condition which also is discounted on the table stock market. The marketing committee should have authority to recommend issuance of special consideration for potatoes which have been conditioned for potato chips. Such special consideration need not necessarily apply to all movement of potatoes which go to potato chip plants but may be limited to those potatoes only, which have been conditioned especially for potato chips.

It is a common practice in Maine during all seasons of plentiful supply that the potatoes which are sorted out as culls, or because they are exceptionally large, or otherwise considered unfit for the pack or packs that are being sold as table stock or seed, should be hauled to the starch plant where they are sold in such low price outlet. Except in periods of extremely heavy surplus prices at starch plants return less than the table stock or seed markets. Also characteristics which make for acceptable quality or size in the table stock or seed market do not necessarily apply in the starch plant market. Therefore, special consideration should be authorized for shipments to starch plants. In the same manner and for similar reasons special consideration should be given to shipments of potatoes to alcohol plants and to other similar types of salvage outlets.

The marketing agreement and order should provide that special considerations may be given to shipments of potatoes for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and the receivers.

It is common practice throughout the production area to use potatoes for livestock feed. In some portions of the production area the livestock feed outlet is considered quite important, particularly where they are far distant from starch plants. Off grades and off sizes should be allowed to move with freedom from grade and size requirements to livestock feed outlets under special regulations.

The marketing agreement and order should authorize special consideration for shipment of potatoes for other purposes. State and Federal authorities are

continuing to work on the development of new potato products. If any new products should develop or if any special outlets should develop the marketing committee and the Secretary should be authorized to give special consideration to helping promote orderly marketing of potatoes by taking advantage of such outlets.

Most shipments of Maine potatoes are made in carlots or in trucklots. Some small shipments may be made although they constitute only a minor percentage of total production. Some growers dig small quantities early in the season and peddle these to local stores or to other similar outlets. In addition, the sale of a few sacks of potatoes to accommodate friends or to take care of special purposes oftentimes is desirable. Problems of inspecting such small lots or other problems in complying with regulations on such lots may make it uneconomical, undesirable and impracticable to require that such small shipments shall comply with any or all regulations required of the larger commercial shipments. The administrative difficulties in checking upon such shipments to see that they are inspected, or that they meet grade, size, or quality regulations, or that they pay assessments may be such that it would be impracticable for the administrative agencies to attempt to do so. In addition, such small shipments frequently would not have an adverse effect upon the prices returned to growers because in many instances they might be premium packs of exceptionally fancy potatoes. The marketing committee should be authorized to recommend and the Secretary to establish minimum quantities which could be relieved of any or all regulations issued under the marketing agreement and order. It might be necessary to permit the maintenance of one or more regulatory requirements on such minimum quantities while relaxing other regulations applicable to them. For example, the inspection requirements could be waived on small shipments but handlers thereof would be required to comply with the grade, size, and quality regulations with respect to such shipments. The marketing agreement and order should authorize different minimum quantity regulations in different parts of the State. This is necessary particularly because of the difference in the size of individual operations between southern Maine and Aroostook County. The committee and the Secretary should be authorized to recognize these factual differences and to provide for them in minimum quantity regulations which may be issued.

The requirement that the Secretary shall notify the administrative committee of any regulations or any modifications, suspensions, or terminations of regulations is appropriate and necessary to enable the administrative committee to be informed of such actions. The administrative committee's obligation to give reasonable notice by such means as are deemed adequate to inform producers and handlers of regulatory orders issued by the Secretary is appropriate and necessary for proper and efficient administration of the marketing agreement and order.

The authority for modification, suspending, or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by the additional administrative authority for the marketing committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such special regulations. Such safeguards may be recommended by the marketing committee and they should be administered by the administrative committee. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards, among others, may include inspection so that the administrative committee may have an accurate record of the grade, size, and quality of potatoes shipped to special outlets, applications to make such special shipments, requirements for the payment of assessments in connection with such shipments, reports by handlers on the number of such shipments and the amount of potatoes shipped, and assurances by purchasers that potatoes are to be used for the purpose designated.

In order to maintain appropriate identification of shipments of potatoes to special outlets, the safeguards authorized herein may provide for the issuance of certificates of privilege to handlers of such potatoes and, in addition, require that such handlers shall obtain such certificates on all shipments by them to such special outlets. Certificates of privilege may be issued by the administrative committee as an indication of the authority for a handler to make such shipments and as a means of identifying specific shipments. Such certificates of privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of marketing committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner which can be made known to all handlers. The administrative committee should be authorized by the marketing agreement and order to deny or rescind certificates of privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The administrative committee should be authorized to exercise the authority necessary and incidental to the proper administration of the marketing agreement and order which should include the authority to rescind or deny certificates upon evidence satisfactory to it that a handler to whom a certificate of privilege has been issued has handled potatoes contrary to the provisions of the certificate previously issued to him. If the administrative committee rescinds or denies a certificate of privilege to any handler, such action should be in terms of a specified period of time. Handlers affected by the denial of a certificate or the rescinding of such a certificate should have the right of appeal to the administrative committee for a reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any certificates of privilege issued by the administrative committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the administrative committee of any action taken by him in connection therewith and the administrative committee should currently notify all persons affected by the indicated action.

The administrative committee should maintain detailed records relevant to safeguards and to certificates of privilege and should submit reports thereon to the Secretary when requested in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(g) Certain hazards are encountered in the production and storing of potatoes grown in the production area which are beyond the control or reasonable expectation of the grower of such potatoes or the handler who may store them. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the administrative committee should be given authority to issue exemption certificates to applicants to permit such applicants to ship their equitable proportion of all shipments from the production area.

The marketing committee, by reason of its knowledge of the conditions and problems applicable to the production and storing of potatoes in the production area and the information which it will have available in each case will be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted potatoes which each such applicant may ship.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedure established by the marketing committee for granting of exemptions and of exemptions granted pursuant to such procedure. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(h) Inspection of potatoes grown in the production area by the Federal-State inspection service is a common and usual practice for the purpose of determining officially the grade, size, and quality of such potatoes. Federal-State inspection service has operated in the State of Maine for a number of years. The potato growers and handlers throughout the State are acquainted with the service and with the inspection which it offers

on shipments of potatoes. Federal-State inspection is available throughout the entire production area and reasonably prompt inspection can be given at all points within the production area at a reasonable fee if inspection is requested at a reasonable time prior to the anticipated shipment of the potatoes to be inspected.

Provision is made in the marketing agreement and order for inspection by the Federal-State inspection service, or such other inspection service as the Secretary may approve, of shipments of potatoes grown in the production area during any period in which shipments of potatoes are regulated under the program. Such inspection requirements should apply to all potatoes shipped under regulations issued under the marketing agreement and order, except when any such shipments are relieved from inspection requirements pursuant to § 970.53 or § 970.54 of the marketing agreement and order. Provision for inspection of shipments subject to regulation establishes a means for providing the shipper, the buyer, the administrative committee, the Secretary, and other interested parties with a means of determining whether a shipment or shipments of potatoes comply with the requirements of any particular grade, size, and quality regulation which may be in effect under the marketing agreement and order. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, and quality of each shipment of such potatoes should be authoritatively established so that the administration of the marketing agreement and order shall be efficient and effective. The provision for inspection and the certificates which are issued pursuant to inspection offer an appropriate and practical means of establishing and identifying the grade, size, and quality of each shipment.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the administrative committee promptly so that such committee may properly discharge its administrative responsibilities under the program.

Provision should be made in the marketing agreement and order for authority to inspect potatoes not only by personnel of the Federal-State inspection service but also by personnel of such inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if, by some chance, the Federal-State inspection service cannot properly perform its duties. In addition, the inspection of seed potatoes for grade, size, and quality is primarily a function at present of the State seed certifying agency and the services of such agency should be available for determination of grade, size, and quality on seed potatoes if the Secretary determines such to be feasible and appropriate under the terms of the marketing agreement and order.

The requirement that no handler shall ship potatoes unless each shipment is inspected by an authorized inspection service approved under the marketing agreement and order is reasonable and it

is necessary for the proper administration of the program. Such requirements should apply except for those shipments which may be relieved of inspection requirements pursuant to § 970.53 or § 970.54, or both.

Responsibility for obtaining inspection should fall primarily on the handler who first ships such potatoes after they have been prepared for market because each shipment of such potatoes must be identified and certified with respect to its grade and size. Such identification and certification is essential to proper administration of the marketing agreement and order so that determination may be made if such shipment accords with the grade, size, and quality regulations issued under such order. The handler who so first ships potatoes is required to obtain inspection and subsequent handlers may not handle potatoes unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such shipments. Each handler must bear responsibility for determining that each of his shipments is inspected. Such requirement is necessary so that the administrative committee can obtain evidence in the form of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of the marketing agreement and order and regulations issued pursuant thereto.

Whenever any shipment of potatoes subject to the terms and provisions of the marketing agreement and order have been inspected at the time of first shipment, but such potatoes are later dumped from the containers in which they were inspected, such potatoes lose their identity insofar as the original inspection certificate issued for them is concerned. If any such lot of potatoes is thereafter repacked, such repacked potatoes have a new identity and the subsequent handling of such potatoes should comply with regulations issued under the marketing agreement and order. Such requirement is necessary to effectuate the declared policy of the act. Therefore the marketing agreement and order should provide that any person who handles Maine potatoes after they have been repacked, resorted, or regraded shall not ship such potatoes unless they have been inspected. Such inspection of repacked, resorted, or regraded potatoes should be necessary so that the shipper thereof, as well as subsequent handlers, and the administrative committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

The marketing committee, with the approval of the Secretary, should be authorized to determine the length of time the inspection certificate is valid insofar as the requirements of the marketing agreement and order are concerned. Such requirement is desirable and necessary especially with respect to warehouse or lot inspections which may be desirable to accommodate handlers and truckers.

No evidence was introduced to substantiate the volume regulation proposal

and no further consideration can be given to it in this proceeding.

(f) Handlers should be required to submit to the administrative agencies such reports and information which are needed to perform such agencies' functions under the marketing agreement and order. It is impossible to anticipate every type of report, or kind of information, which the administrative agencies may need in administering the program, but they should have the authority, subject to the approval of the Secretary, to request such reports and information if needed. Reports furnished to the administrative agencies should be submitted in such manner and at such times as may be designated by the administrative agencies. It is impractical to specify such reporting procedures in the marketing agreement and order, because changing conditions may warrant changes in the forms and methods of reporting to the administrative committee. The Secretary should retain the right to approve, also to modify, change, or rescind any requests by the administrative agencies for information in order to protect handlers from unreasonable requests for reports.

(j) The provisions of §§ 970.81 through 970.95, as published in the FEDERAL REGISTER of April 7, 1954 (19 F. R. 1955), are common to marketing agreements and orders now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) Such marketing agreement and order authorizes regulation of the handling of potatoes grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement upon which the hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area;

(5) All handling of potatoes as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Ruling on proposed findings and conclusions. Interested parties were allowed until May 28, 1954, to file briefs with respect to findings of fact and conclusions based on evidence introduced at the hearing. No such brief was filed; hence no ruling is necessary.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 970.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 970.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 970.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 970.4 *Production area.* "Production area" means all territory included within the boundaries of the State of Maine.

§ 970.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 970.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

§ 970.7 *Ship or handle.* "Ship" or "handle" means to sell or transport po-

tatoes within the production area or between the production area and any point outside thereof.

§ 970.8 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of potatoes into grades and sizes for market purposes.

§ 970.9 *Grade and size.* "Grade" means any one of the officially established grades of potatoes and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title) or amendments thereto, or modification thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

§ 970.10 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 970.11 *Marketing committee.* "Marketing committee" means the Maine Potato Marketing Committee established pursuant to §§ 970.22 to 970.27, inclusive.

§ 970.12 *Administrative committee.* "Administrative committee" means the Maine Potato Administrative Committee established pursuant to §§ 970.22 to 970.27, inclusive.

§ 970.13 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the administrative committee.

§ 970.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 970.15 *Seed potatoes.* "Seed potatoes" is synonymous with "seed" and means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Maine or other seed certification agencies which the Secretary may recognize.

§ 970.16 *Table stock potatoes.* "Table stock potatoes" is synonymous with "table stock" and means and includes all potatoes not included within the definition of "seed potatoes."

§ 970.17 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container, and which falls within specific weight limits or within specific grade limits, or both, as recommended by the marketing committee and approved by the Secretary.

§ 970.18 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 970.19 *District.* "District" means each one of the geographical divisions of the production area initially established pursuant to § 970.28 or as reestablished pursuant to § 970.29.

COMMITTEES

§ 970.22 *Administrative agencies.* The agencies for administering the terms and provisions of this part shall be the marketing committee and the administrative committee, called, respectively, the Maine Potato Marketing Committee and the Maine Potato Administrative Committee. Such agencies shall be selected in accordance with the methods set forth in §§ 970.24 to 970.39, inclusive.

§ 970.23 *Committees' functions.* The marketing committee shall have sole responsibility and authority for recommending marketing regulations and such rules and regulations as may be incidental to the administration thereof. The administrative committee shall have authority for and be responsible for providing the staff and the services for carrying out its and the marketing committee's powers and duties.

§ 970.24 *Marketing Committee.* The Maine Potato Marketing Committee shall consist of 20 members, of whom 15 shall be producers and 5 shall be handlers.

§ 970.25 *Administrative committee.* The Maine Potato Administrative Committee shall consist of not less than 3 members, and any larger number which the marketing committee may recommend and the Secretary approve. Alternates may be recommended by the marketing committee and approved by the Secretary.

§ 970.26 *Selection.* (a) Marketing committee members shall be selected on the basis of districts as established pursuant to § 970.28 or § 970.29. From each district, three producers shall be selected as marketing committee members and one producer shall be selected as marketing committee alternate. From each district, one handler shall be selected as member and one handler shall be selected as alternate.

(b) The members of the administrative committee and alternates shall be selected from among the marketing committee members or alternates.

§ 970.27 *Qualifications for agency membership.* Persons selected as marketing committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected. Persons selected as marketing committee members or alternates to represent handlers shall be individuals who are handlers in the district for which selected, or officers or employees of a corporate handler, and such persons shall be residents of the district for which selected.

§ 970.28 *Districts.* For the purpose of determining the basis for selecting marketing committee members, the following districts of the production area are hereby initially established:

District No. 1. The towns of Hamlin and Cyr, township 17, Range 3, townships 16 and 17, Range 4, townships 14, 15, and 16, Range 5, all townships 14, ranges 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, and all area north thereof in Aroostook County, in the State of Maine.

District No. 2. The towns of Fort Fairfield, Caribou, Washburn, Wade, Perham, Woodland, Limestone, Caswell, Connor, New Sweden, Westmanland and Stockholm in Aroostook County, in the State of Maine.

District No. 3. The town of Bridgewater, township D, Range 2, all townships 9, ranges 3, 4, and 5, the town of Oxbow, all townships 9, ranges 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and all area north thereof, not included in Districts 1 and 2, in the State of Maine.

District No. 4. The towns of Orient, Haynesville and Glenwood, township 2, Range 2, the towns of Silver Ridge and Benedicta, all townships 2, ranges 6, 7, 8, west of the east line of the State 9, 10, 11, 12, townships 2, 3, and 4, Range 13, townships 4 and 5, Range 14, all townships 5, ranges 15, 16, 17, 18, 19, and 20, and all area north thereof, not included in Districts 1, 2, and 3, in the State of Maine.

District No. 5. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, 3, and 4.

§ 970.29 *Redistricting.* The marketing committee may recommend, and pursuant thereto, the Secretary may approve, the apportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the marketing committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and, (e) other relevant factors. No change in districting or in reapportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 970.30 *Term of office.* (a) The terms of office shall begin as of July 1 and end as of June 30. The term of office of producer members of the marketing committee shall be for three years. The term of office of the producer members of the initial committee shall be so determined by the Secretary that one-third shall be for term of one year, one-third for term of two years, and one-third for term of three years. The term of office of alternate producer members, and of handler members and alternates shall be for one year. No producer member and no handler member shall serve for more than three consecutive years. The term of office of members and alternates of the administrative committee shall be for one year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 970.31 Nomination. The Secretary may select the members of the marketing committee, and alternates, from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district and a meeting or meetings of handlers shall be held in the production area to nominate members and alternates for the marketing committee. For nominations to the initial marketing committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the marketing committee, the administrative committee shall hold such meetings or cause them to be held prior to May 1 of each year, after the effective date of this subpart.

(b) In arranging for such meetings the administrative committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the marketing committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(d) Nominations for marketing committee members and alternates, and nominations for administrative committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than June 1 and July 15, respectively, of each year;

(e) Only producers may participate in designating nominees for producer members and alternates on the marketing committee and only handlers may participate in designating nominees for handler members and alternates. Each person who is both a producer and a handler may vote either as a producer or as a handler and he may elect the group in which he votes. In the event a person is engaged in producing or in handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(f) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for marketing committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled from the group in the respective district in which he elects to vote.

§ 970.32 Failure to nominate. If nominations are not made within the time and in the manner specified in § 970.31, the Secretary may, without regard to nominations, select the marketing committee and the administrative committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 970.26 through 970.29 inclusive.

§ 970.33 Acceptance. Any person selected as a marketing committee or as an administrative committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 970.34 Vacancies. To fill marketing committee or administrative committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 970.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 970.26 through 970.29 inclusive.

§ 970.35 Alternate members. In the event any member of the marketing committee is unable to attend a meeting of the marketing committee, the alternate who was selected from the same district and from the same group as the absent member may act in the place and stead of the absent member. In the event of the death, removal, resignation, or disqualification of a member, a qualified alternate shall act for him until a successor of such member is selected and has qualified.

§ 970.36 Procedure. (a) A majority of the members of the marketing committee from each of at least four districts shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such marketing committee will be required to pass any motion or approve any marketing committee action. A majority of the members of the administrative committee shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such administrative committee will be required to pass any motion or approve any administrative committee action.

(b) Either the marketing committee or the administrative committee, or both, may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 970.37 Expenses and compensation. Marketing committee and administrative committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part. Marketing committee and administrative committee

members and alternates may receive compensation for official services rendered in connection with administration of this part and such compensation shall not be in excess of rates recommended by the marketing committee and approved by the Secretary.

§ 970.38 Powers. The administrative agencies shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To make rules and regulations to effectuate the terms and provisions of this part;

- (c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

§ 970.39 Duties. (a) It shall be the duty of the marketing committee:

- (1) To meet prior to the beginning of the marketing season each year, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

- (2) To nominate members and alternates for the administrative committee;
- (3) To prepare a marketing policy;
- (4) To recommend marketing regulations to the Secretary;

- (5) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

- (6) To set up subcommittees, including a special public relations subcommittee for working with producers, handlers, and the general public in connection with specific regulations, rules, practices, administrative committee services, inspection, terminal marketing practices, transportation, and such other matters as are related to this marketing program; and

- (7) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies, and to authorize the administrative committee to so consult, cooperate, and exchange information, in connection with all proper activities and objectives of such committees under this part.

(b) It shall be the duty of the administrative committee:

- (1) To meet each year as soon as possible after selection, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

- (2) To act as intermediary between the Secretary and any producer or handler, and between the Secretary and the marketing committee;

- (3) To furnish to the Secretary such available information as he may request;

- (4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

- (5) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, as may be necessary for administration of this part;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and of the marketing committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers marketing committee voting records on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal period, and as may be requested by the Secretary, to prepare a budget of its expenses and a proposed rate or rates of assessment for such fiscal period, together with a report thereon;

(9) To cause the books of the administrative committee to be audited by a competent accountant at least once each year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(10) To investigate an applicant's claim for exemption.

EXPENSES AND ASSESSMENTS

§ 970.43 Expenses. The administrative committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by the administrative agencies during each fiscal period for the maintenance and functioning of such agencies and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes shipped during a fiscal period by him as the first handler thereof and the total quantity of potatoes shipped during such fiscal period by all handlers as first handlers thereof.

§ 970.44 Budget. At the beginning of each fiscal period and as may be necessary thereafter, the administrative committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The administrative committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The administrative committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 970.45 Assessments. (a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first ships potatoes shall pay assessments to the administrative committee upon demand, which assessments shall be in payment of such handler's pro rata share of the agencies' expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the administrative committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during, or subsequent to, a given fiscal period the administrative committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 970.46 Accounting. (a) All funds received by the administrative committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the administrative committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of either the administrative committee or the marketing committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committees' activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The administrative committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other property of the administrative agencies during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the administrative committee or the marketing committee, or both.

§ 970.47 Refunds. At the end of each fiscal period or other representative period used by the administrative committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him, or

(b) The Secretary, upon recommendation of the administrative committee, may determine that it is appropriate for the maintenance and functioning of

such administrative committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the administrative committee and of the marketing committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

REGULATION

§ 970.50 Marketing policy—(a) Preparation. Prior to each marketing season the marketing committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the marketing committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the marketing committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, or any other shipping unit;

(2) Supply of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The administrative committee shall submit a report for the marketing committee to the Secretary setting forth the aforesaid marketing policy and the administrative committee shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the marketing committee shall prepare a new marketing policy in accordance with the manner previously outlined. The administrative committee shall submit a report thereon for the marketing committee to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 970.51 Recommendations for regulations. The marketing committee shall recommend to the Secretary grade, size, and quality regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations, as provided in § 970.52, will tend to effectuate the declared policy of the act. The marketing committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate shipments of potatoes for the purposes authorized in § 970.53. The marketing committee may also recommend amendment, ter-

mination, or suspension of any regulation issued under this part.

§ 970.52 Issuance of grade, size, and quality regulations. The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for table stock or seed, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period; or

(c) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 970.53 Modification, suspension, or termination. Upon the basis of recommendations and information submitted by the marketing committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 970.45, 970.52, 970.53, 970.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For grading or storage within the production area;

(b) For planting within the production area;

(c) For export;

(d) For distribution by the Federal Government;

(e) For manufacture or conversion into specified products;

(f) For charitable purposes;

(g) For livestock feed; and

(h) For other purposes which may be specified.

§ 970.54 Minimum quantity regulation. The marketing committee, with the approval of the Secretary, may establish for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 970.45, 970.52, 970.53, 970.65, or any combination thereof.

§ 970.55 Notification of regulation. The Secretary shall notify the administrative committee of any regulations issued or of any modification, suspension, or termination thereof. The administrative committee shall give reasonable notice thereof to handlers.

§ 970.56 Safeguards. (a) The marketing committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 970.53 or § 970.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the

contents of Certificates of Privilege if such certificates are prescribed as safeguards by the marketing committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the administrative committee to ship potatoes pursuant to §§ 970.53 and 970.54;

(2) Handlers shall obtain inspection provided by § 970.65, or pay the pro rata share of expenses provided by § 970.45, or both, in connection with potato shipments effected under the provisions of § 970.53: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the administrative committee for shipments of potatoes effected or to be effected under the provisions of §§ 970.53 and 970.54.

(b) The administrative committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 970.53 and 970.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.

(d) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 970.65 Inspection and certification.

(a) During any period in which shipments of potatoes are regulated pursuant to §§ 970.45, 970.52, or § 970.53, or any combination thereof, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 970.53 or § 970.54, or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the marketing committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the administrative committee by the inspection service.

EXEMPTION

§ 970.70 Policy. (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 970.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the administrative committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 970.52, is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the administrative committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 970.71 Rules and procedures. The marketing committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for marketing committee determinations with respect to areas and averages (as required by § 970.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 970.72 Applications and issuance. The administrative committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 970.52, in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 970.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following

the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 970.73 *Investigation.* The administrative committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 970.74 *Appeals.* If any applicant for exemption certificate is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the administrative committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such administrative committee for a determination on the appeal. The administrative committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The administrative committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 970.75 *Records.* The administrative committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 970.80 *Reports.* Upon the request of the administrative committee with the approval of the Secretary, every handler shall furnish to the administrative committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 970.81 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 970.82 *Right of the Secretary.* The members of the marketing committee

and of the administrative committee (including successors and alternates), and any agent or employee appointed or employed by such committees, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the marketing committee or of the administrative committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committees shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 970.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 970.84 *Termination or suspension.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 970.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the members of the administrative committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the marketing committee and of the administrative committee, of all the funds and property then in the possession of or under control of such committees, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committees and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instru-

ments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the marketing committee or the administrative committee, or both, or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims, have been transferred or delivered by the marketing committee or the administrative committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 970.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 970.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 970.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 970.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 970.90 *Personal liability.* No member or alternate of the marketing committee or of the administrative committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ 970.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 970.92 *Amendments.* Amendments to this subpart may be proposed, from

time to time, by the marketing committee or by the Secretary.

§ 970.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ 970.94 *Additional parties.* After the effective date of this agreement, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

§ 970.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.¹

Done at Washington, D. C., this 14th day of June 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-4596; Filed, June 16, 1954;
8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 4]

[Docket No. 11059; FCC 54-715]

REMOTE PICKUP BROADCAST STATIONS FREQUENCY ASSIGNMENTS

In the matter of amendment of § 4.402 of the rules and regulations with respect to frequency assignments to Remote Pickup Broadcast Stations; Docket No. 11059.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On April 8, 1953, the Commission adopted a report and order in Docket No. 10211 (18 F. R. 2233) amending § 2.104 (a) of the Commission's rules by deleting the terms "remote pickup base" and "remote pickup mobile" from column 11 of the Table of Frequency Allocations, whenever they appear with respect to the frequency band 2000-3500 kc, effective February 1, 1954.

3. At the same time footnote NG32 was appended to the Table of Frequency Allocations (§ 2.104 (a)) authorizing the assignment of frequencies in the band 25.85-26.10 Mc in any area to remote pickup broadcast base and mobile stations on condition that harmful interference is not caused to stations in the broadcasting service.

¹Applicable only to the proposed marketing agreement.

4. On May 14, 1953, the Commission adopted a report and order in Docket No. 10323 (18 F. R. 2941) amending § 2.104 (a) of the Commission's rules making certain changes in the Table of Frequency Allocations with respect to the band 450-460 Mc. This change, as it affects remote pickup broadcast base and mobile stations, deletes the availability of frequencies between 451 and 452 Mc for remote pickup stations and substitutes therefor frequencies in the band 455-456 Mc. Remote pickup broadcast stations currently licensed for operation on frequencies between 451 and 452 Mc may continue the use of such frequencies until July 1, 1954. The original availability of channels in the band 450-451 Mc is continued.

5. It is the purpose of the proposed amendment to reflect the above changes in Part 4 of the Commission's rules and to propose regrouping the remaining frequencies below 25 Mc into a single group of three frequencies available to all broadcast station licensees on a shared basis. A proposed channelling of the frequencies in the band 25.85-26.10 Mc is also included. It is believed that the combining of the frequencies below 25 Mc will provide a necessary flexibility in the selection of a frequency for a particular remote pickup operation based on considerations of adjacent frequency operation and the proximity of these frequencies to the standard broadcast band. The proposed channelling of the frequency band 25.85-26.10 Mc, will provide one 40 kilocycle channel in addition to the present three 20 kilocycle channels in Groups D, E, F, G, and H of § 4.402 (a) (2) thus permitting a better quality circuit when required for a remote broadcast pickup. In addition, a third 20 kilocycle channel is proposed to be added to Group I and Group J which are used principally for the transmission of voice communications.

6. Accordingly, it is proposed to amend § 4.402 of the Commission's rules as set forth below.

7. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, and 303 (r) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before July 12, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. No comments will be accepted in this matter concerning frequency allocations heretofore adopted by the Commission.

10. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 10, 1954.

Released: June 14, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

Delete the present text of § 4.402 and substitute therefor the following:

§ 4.402 *Frequency assignment.* (a) The following frequencies are allocated for assignment to remote pickup broadcast base and mobile stations:

(1)	Group A (Mc)				
	* 1606				
	1622				
	1646				
(2)	Group D (Mc)	Group E (Mc)	Group F (Mc)	Group G (Mc)	Group H (Mc)
	* 25.87	* 25.91	* 25.95	* 25.99	* 26.03
	26.15	26.17	26.19	26.21	26.23
	26.25	26.27	26.29	26.31	26.33
	26.35	26.37	26.39	26.41	26.43
(3)	Group I (Mc)		Group J (Mc)		
	* 26.07		* 26.09		
	26.11		26.13		
	26.45		26.47		
(4)	Group K ^a (Mc)				
	152.87	153.05	153.23		
	152.93	153.11	153.29		
	152.99	153.17	153.35		
(5)	Group L (Mc)		Group M (Mc)		
	* 166.25		* 170.15		
(6)	Group N (Mc)				
	450.05	450.55	455.05	455.55	
	450.15	450.65	455.15	455.65	
	450.25	450.75	455.25	455.75	
	450.35	450.85	455.35	455.85	
	450.45	450.95	455.45	455.95	

(b) A licensee is not limited with respect to the number of remote pickup broadcast stations which may be licensed for operation in a single area and each

¹Subject to the condition that no harmful interference is caused to the reception of standard broadcast stations.

²Subject to the condition that no harmful interference is caused to the reception of broadcasting stations.

³Subject to the condition that no harmful interference is caused to the Industrial Radio Services.

⁴Operation on the frequencies 166.25 Mc and 170.15 Mc is not authorized (i) within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37° 30' N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the air-line distance between Springfield, Ill., and Montgomery, Alabama, subtended between the foregoing west and north boundaries; (ii) within 150 miles of New York City, and; (iii) outside the continental United States; and is subject to the condition that no harmful interference is caused to government radio stations in the band 162-174 Mc.

such station may be assigned one or more frequencies: *Provided, however,* That such frequency assignments shall be limited to those within a single frequency Group in any subparagraph of paragraph (a) of this section. This limitation does not preclude the assignment of frequencies listed in different subparagraphs to the same licensee. Applicants shall request the assignment of only those frequencies on which operation is contemplated and the transmitter shall be suitably equipped to operate on all assigned frequencies.

(c) Remote pickup broadcast stations will not be granted exclusive frequency assignments, and the same frequency or frequencies may be assigned to other licensees in the same area.

[F. R. Doc. 54-4611; Filed, June 16, 1954; 8:53 a. m.]

[47 CFR Part 8]

[Docket No. 11057; FCC 54-713]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

IMPLEMENTING GREAT LAKES AGREEMENT

In the matter of amendment of Part 8 of the Commission's rules for the purpose of implementing the Great Lakes Agreement; Docket No. 11057.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The rules proposed to be adopted are set forth below.

2. The Agreement for the Promotion of Safety on the Great Lakes by Means of Radio between the United States and Canada (Great Lakes Agreement) comes into force on November 13, 1954. The Agreement applies to certain vessels plying the waters of the Great Lakes. In order to facilitate compliance with, as well as enforcement of, the Agreement, it is proposed to promulgate rules which would furnish guidance to all interested persons as to the manner in which the provisions of the Agreement would be applied.

3. In general, the proposed rules call for the fitting on board ships subject to the Agreement of an efficient radiotelephone installation capable of transmitting and receiving on each of the frequencies 2182 kc and 2003 kc. Certain criteria are proposed by which the effectiveness of the transmitting and receiving equipment provided for this purpose would be established. Additional rules are directed toward supplementing for practical purposes other provisions of the Agreement, such as log keeping, illumination of operating controls, required relationship between different operating positions of the radiotelephone installation, manner of obtaining certificates, etc. Necessary and associated changes in Part 13 of the Commission's rules relating to licensed operating personnel are the subject of a separate proceeding.

4. It is believed that an opportunity for informal conference during the rule making period between the Commission's staff and interested persons could hasten final action in this matter. For this purpose, appropriate members of the

Commission's staff will be present in Room 1086, Temporary Building T, Corner Constitution Avenue and 14th Street, Washington, D. C. commencing at 9:00 a. m., June 24, 1954. Persons interested in discussing any aspect of these proposed rules are invited to attend.

5. The proposed amendments are issued under the authority contained in sections 303 (a) (b) (f) (n) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 7, 1954, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. The Commission will consider all such comments prior to taking final action in this matter.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 10, 1954.

Released: June 14, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.2 (b) is amended by adding new subparagraph (6) to read as follows:

(6) Great Lakes Agreement means the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio and the regulations referred to therein.*

2. Section 8.2 (c) is amended by adding a new subparagraph (4) to read as follows:

(4) The term "passenger carrying vessel", as used in this part solely in reference to requirements of the Great Lakes Agreement, means any vessel transporting persons for hire.

3. Section 8.2 is amended by adding a new paragraph (r) to read as follows:

(r) *Great Lakes.* This term, as used in this part solely in reference to the Great Lakes Agreement, means all of the Great Lakes, their connecting and tributary waters, and the St. Lawrence River as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, but shall not include tributary rivers which are not also connecting rivers, and shall not include the Niagara River (including the Black Rock Canal).

4. Section 8.8 is amended by adding new paragraph (n) to read as follows:

(n) The term "radiotelephone installation", as used in this part solely in

* This Agreement, made by and between the Governments of the United States and Canada, is effective beginning November 13, 1954.

reference to requirements of the Great Lakes Agreement, means a ship station (including the source of power necessary to energize the apparatus) capable of being used for the effective transmission and reception of speech for the purpose of quickly establishing and effectively carrying on, primarily in time of emergency or distress, radiotelephone communication on the radio-channel of which the authorized carrier frequency is either 2182 kc or 2003 kc; each of these carrier frequencies being readily available for use at all times. Nothing contained in this subparagraph shall be construed either to require or to prohibit the availability of other radio-channels by use of this same "radiotelephone installation" for any class of emission or communication authorized by this part on such other radio-channels.

5. New §§ 8.51 and 8.52 are added to read as follows:

§ 8.51 *Application for periodical survey (Great Lakes Agreement).* For the purpose of obtaining the periodical survey (not less than once every twelve months) as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof, a formal application, FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)" shall be filed with the Commission's Engineer in Charge at the radio district office nearest the desired place of survey at least 3 days prior to the date such survey is desired. A service representative (who holds at least a second class radiotelephone or radiotelegraph operator's license) of the ship station licensee shall be available at the ship at the time the survey is to be conducted. The application for such survey shall be filed by the shipowner, the ship operating agency, the ship station licensee or the shipmaster.

§ 8.52 *Application for exemption (Great Lakes Agreement).* In accordance with the provisions of Article 6 of the Great Lakes Agreement, application for exemption of individual vessels from the provisions of Article 7, 8 and 9 may be made by submitting FCC Form 820-A "Application for Exemption (Great Lakes Agreement)" to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may consider an informal application which should include the full information normally furnished on FCC Form 820-A.

6. Section 8.115 is amended by adding a new paragraph (d) to read as follows:

(d) Logs of ships of the United States containing entries required to be made by reason of the Great Lakes Agreement or § 8.368 (c) shall be kept at the principal radiotelephone operating location while the vessel is being navigated. All entries in their original form required by said agreement or § 8.368 (c) shall be retained on board the vessel for a period of not less than one month from the date of entry. After retention on board the vessel as herein stipulated, the entries shall be filed at a place where they will be readily available to an authorized representative of the Commission upon

request, and shall be retained as stipulated by paragraph (a) of this section.

7. A new § 8.153 is added to read as follows:

§ 8.153 *Certified persons required by Great Lakes Agreement.* (a) For the purpose of complying with Article 7, paragraph 1 (a) of the Great Lakes Agreement, there shall be on board a United States vessel, as an officer or member of the crew, one or more persons holding an operator's license issued by the Commission which is appropriate for that purpose under the provisions of Part 13 of the Commission's rules.

(b) If the vessel is deprived of the services of all certified persons referred to in paragraph (a) of this section without fault or collusion of the master, the vessel may, as a matter of temporary expediency, proceed on her voyage, provided:

(1) The master shall exercise due diligence in an effort to obtain at least one qualified replacement before sailing and failing that shall exercise due diligence to obtain at least one qualified replacement as soon as practicable;

(2) The qualified replacement is made at the next port of arrival on the Great Lakes of the vessel;

(3) In addition to the foregoing, the master shall, within 12 hours after the time of arrival of the vessel at the next port, mail to the Secretary, Federal Communications Commission, Washington 25, D. C., an explanation in writing of the full particulars in the matter, including the date the master became aware of the unavailability of the certified person or persons, the scheduled and the actual sailing time of the vessel without a certified person on board, a specific description of his efforts to secure at least one qualified replacement before sailing from the previous port, and in the case of a vessel whose next port is a port on the Great Lakes, a statement that a qualified replacement has been or will be secured before the ship again leaves such port.

8. A new § 8.207 is added to read as follows:

§ 8.207 *Listening required by the Great Lakes Agreement.* While a United States vessel is subject to the Great Lakes Agreement, there shall be continuous effective listening by aural means for reception of class A3 emission on the radio channel of which 2182 kc is the assigned frequency whenever the radiotelephone installation is not being used to transmit on that channel or to transmit or receive on any other channel below 30 Mc authorized for the maritime mobile service. Such listening shall be performed by at least one officer or member of the crew of the vessel who has been designated by the master to perform that listening. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of such listening.

9. Section 8.368 is amended by adding a new paragraph (c) to read as follows:

(c) With respect to ship stations of the United States subject to the Great Lakes Agreement, entries required by paragraph (a) of this section shall be made by an officer or crew member on board who has been certified as required by Article 7 of the Agreement, or by a person on duty listening as required by Article 7 of the Agreement, or by a licensed or certificated deck officer. The log shall include the name (and title if held) of the person making an entry properly related to each entry. Entries shall be made as soon as practicable after the observed occurrence, and the time thereof shall be specified in Eastern Standard Time. The station log required by paragraph (a) of this section shall include the following additional entries:

(1) The official number of the vessel;
(2) The name and radio certificate number of each officer and crew member assigned to the vessel who has been certified as required by Article 7 of the Great Lakes Agreement and designated by the Master to operate the radiotelephone installation;

(3) A record of charging of any storage batteries which are necessary for the proper operation of the required radiotelephone installation;

(4) A daily record of the results of the determination of the operating condition of the radiotelephone installation required by § 8.541.

10. a. Amend Subpart R of Part 8 by insertion immediately below the title of Subpart R a subtitle as follows: "Radio Installations on Ships Subject to Part II of Title III of the Communications Act" and by indicating section designators §§ 8.526 to 8.534 to be reserved.

b. Immediately following § 8.534 insert the following subtitle and sections:

RADIO INSTALLATIONS ON SHIPS SUBJECT TO THE GREAT LAKES AGREEMENT

§ 8.535 *Periodical survey of radiotelephone installation.* Except as provided in § 8.537, each vessel of the United States required by the Great Lakes Agreement to carry a radiotelephone installation, shall have a periodical survey of the radiotelephone installation not less than once every twelve months for the purpose of obtaining an appropriate certificate as prescribed by Article 12 of said agreement and § 8.536. The survey shall be made while the vessel is in active service or within not more than one month before the date on which it is placed in service.

§ 8.536 *Certificates.* Except as provided in § 8.537, each vessel of the United States to which the Great Lakes Agreement applies shall, not later than November 13, 1955, have on board and posted at the principal operating location of the radiotelephone installation required by said Agreement an appropriate valid certificate as prescribed by Article 12 of said Agreement.

§ 8.537 *Occasional navigation on the Great Lakes.* Any vessel of the United States which engages in not more than two voyages on the Great Lakes in any one calendar year solely between (a) one or more ports outside the Great

Lakes and (b) one or more ports on the Great Lakes, may in lieu of complying with the requirements of this subpart, comply with the radiotelephone installation requirements of Regulation 15, Chapter IV of the Safety of Life at Sea Convention, 1948; *Provided*, That (1) The vessel has on board a valid Safety Radiotelephony certificate; and (2) the radiotelephone installation is equipped to transmit and receive on the frequencies 2182 kc and 2003 kc.

§ 8.538 *Failure of radiotelephone installations while en route.* If while a United States vessel subject to the Great Lakes Agreement is being navigated outside a port, the vessel's radiotelephone installation required by Article 8 of said Agreement ceases to be in effective operating condition, the master shall forthwith exercise due diligence to restore the radiotelephone installation to effective^a operating condition at the earliest practicable moment, and, in any event, the effective operating condition of the radiotelephone installation shall be restored at the next port of arrival on the Great Lakes of the vessel. In addition to the foregoing, the master shall within 12 hours after the time of arrival of the vessel at the next port, mail to the Secretary, Federal Communications Commission, Washington 25, D. C., an explanation of the full particulars of the matter in writing including the date the master became aware of the deficiency in the radiotelephone installation and the nature of such deficiency, a description of steps taken to correct such deficiency, and in the case of a vessel whose next port is a port on the Great Lakes, a statement that the radiotelephone installation has been, or will be, placed in effective operating condition before the ship leaves that port.

§ 8.540 *Requirements for radiotelephone installation.* (a) Each vessel of the United States while subject to the requirements of the Great Lakes Agreement shall, in accordance with that Agreement, be fitted with a radiotelephone installation^a in effective operating condition which is capable of meeting the requirements set forth in this section together with the provisions of such other rules in this part, governing ship stations using telephony, as are applicable.

(1) The radiotelephone installation, exclusive of the main source of power for energizing such installation, shall be located as high as practicable in the upper part^a of the vessel and shall be adequately protected to ensure proper operation and so as not to endanger the vessel and the radio apparatus comprising such installation.

(2) A main source of energy of sufficient capacity to energize the radiotelephone installation properly and immediately shall be available at all times when the vessel is subject to the requirements of the Great Lakes Agreement.

(3) The auxiliary source of energy, required by the Great Lakes Agreement to be provided on passenger carrying ves-

^a See § 8.8 (n).

^a See § 8.8 (n).

^a See § 8.113.

seis² of 1,000 gross tons or more, shall be independent of the vessel's normal electrical system and shall be capable of properly energizing the radiotelephone installation and the light provided pursuant to subparagraph (11) of this paragraph, in addition to any other loads to which it may supply energy in times of emergency or distress, for at least four continuous hours under normal operating conditions. When meeting the four hour requirement, such auxiliary source of energy shall be located in a position of the greatest possible safety and as high as practicable in the upper part of the vessel.

(4) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration prescribed in subdivisions (i), (ii), (iii), and (iv) of this subparagraph or by such other means as may be deemed necessary that the auxiliary source of energy, when required to be provided, is capable of energizing the radiotelephone installation under the conditions and for the minimum period of time required by law.

(i) When the auxiliary source of energy consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iii) of this subparagraph.

(ii) When the auxiliary source of energy consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iii) of this subparagraph.

(iii) The electrical load to be supplied by an auxiliary source of energy for the purpose of establishing proof of required capacity shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to one-half of the four-hour period.

(iv) At the conclusion of the tests specified in subdivisions (i) and (ii) of this subparagraph, no part of the auxiliary source of power shall have an excessive temperature rise, nor shall the specific gravity or voltage of the storage battery be below 90 per cent discharge point as determined from the information (such as voltage curves or specific gravity tables) supplied by the manufacturer for the type of battery involved.

(5) Means shall be provided for adequately charging any storage batteries used as a source of energy for the radio-

telephone installation. There shall be provided a device which during the charge of the batteries will give a continuous indication of the rate and polarity of such charge.

(6) The principal operating location² of the radiotelephone installation shall be on the bridge. If the radio apparatus of this installation (as distinguished from the normal operating controls) is not located on the bridge, an additional operating position shall be provided at the location of such radio apparatus. In any event, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location on the bridge, as follows:

(i) In radiotelephone installations first placed in service before April 1, 1955, the use of an interior shipboard communication system between the bridge and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control on the bridge as herein prescribed on condition that the communication thereby provided is reliable, effective, immediately available at all times, and is usable independently of any other interior communication circuit.

(ii) In radiotelephone installations first placed in service on or after April 1, 1955, a method shall be provided for taking control on the bridge as herein prescribed which is direct, positive, and independent of action by any person not on the bridge.

(7) The radiotelephone installation shall be capable of being used for the effective transmission and reception of class A3 emission on the intership working frequency 2003 kc and on the calling and distress frequency 2182 kc.

(8) The transmitting apparatus of the radiotelephone installation shall be constructed to comply with the power requirement of regulation 1, paragraph 5 of the Great Lakes Agreement whenever such apparatus is properly adjusted for use with the actual ship station transmitting antenna and is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts of unmodulated radio frequency carrier power on each of the frequencies 2182 kc and 2003 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance: *Provided*, That if deemed necessary by the Commission, a demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with the power requirement of Regulation 1, paragraph 5 of the Great Lakes Agreement.

(9) The radiotelephone installation shall be so designed that when a certified person, as prescribed in § 8.158, is present at the principal operating location:

² Equivalent to the expression "location of the main operating position" contained in the Great Lakes Agreement.

(i) Switching between the intership working frequency 2003 kc and the distress frequency 2182 kc and vice versa may be performed within a period of five seconds;

(ii) Changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds on each of the frequencies 2003 kc and 2182 kc; and

(iii) Use of the auxiliary source of power, as required on passenger vessels of 1,000 gross tons or more, shall be available within 1 minute after any need arises for its use.

(10) The radiotelephone installation shall be adjusted so that the transmission of speech normally produces peak modulation percentages of at least 70 percent.

(11) Light from an electric source of energy shall be available and permanently arranged to so illuminate the operating controls of the radiotelephone installation at the principal operating location that the installation may be used at any time for quickly establishing and effectively carrying on radiotelephone communication in time of emergency or distress. If an auxiliary source of energy is required to be provided on board the vessel, arrangements shall be provided to utilize or to permit the use of such source of energy for such illumination within 1 minute after the need arises for its use.

(12) The radiotelephone installation shall be capable of properly energizing a loudspeaker on each of the frequencies 2003 kc and 2182 kc when the radio field intensity of the received carrier wave (measured when no modulation is present) is as low as 10 microvolts per meter. The radiotelephone installation may be considered capable of meeting this requirement if on each of the frequencies concerned the numerical value of the sensitivity of the receiver² expressed in microvolts is equal to or less than the numerical value of the maximum height of the associated receiving antenna expressed in feet as measured from the cabin lead-in insulator. The numerical value of the sensitivity of the receiver may be based on manufacturer's specifications.

(13) The radiating system of the radiotelephone installation provided for use on each of the frequencies 2182 kc and 2003 kc shall comply with the following requirements:

(i) The antenna shall be adequately protected to ensure proper operation and so as not to endanger the vessel and the radio apparatus comprising the installation.

(ii) The conductor or system of conductors comprising the antenna shall be of such a configuration and so located physically, concerning proximity to metallic objects and structures, as to ensure the development of a vertically

² Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 per cent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loudspeaker with a signal-to-noise ratio of at least 6 decibels.

² See § 8.2 (o).

polarized ground wave having a radio field of maximum intensity and uniformity in all directions for a given antenna power as is consistent with the prevailing physical limitations affecting the antenna installation.

(iii) Wherever practicable the radiating system shall as a minimum be capable of converting at least 11.5 watts (unmodulated carrier power) of the power supplied to the system by the transmitting apparatus, on 2182 kc and 2003 kc respectively, into radiated power. A radiating system shall be deemed capable of meeting this requirement and also the requirements of sub-paragraph (ii) of this subparagraph if it is demonstrated to the satisfaction of the Commission that the radiotelephone installation is capable of developing an effective inverse radio field intensity of 19.9 millivolts per meter at one statute mile on each of the frequencies 2003 kc and 2182 kc, or if the product of the antenna current on 2182 kc in root mean square amperes measured at the base of the antenna and the maximum height of the antenna expressed in feet as measured from the cabin lead-out insulator is at least 41.4 for an antenna having a horizontal top-length of not less than one-half of its maximum height; or 70.5 in the case of any other antenna.

(iv) When an electrical ground connection is used as a necessary element of the radiating system such connection shall be made in an effective manner to the hull of a vessel having a metal hull or, in the case of a vessel not having a metal hull, to a bare plate and/or strips of a corrosion resistant metal of good electrical conductivity having a total area of at least 12 square feet in the aggregate, permanently attached to the hull below the waterline and insofar as possible located directly under the antenna structure and radio apparatus.

§ 8.541 *Trial of radiotelephone installation.* At least once during each calendar day in which a vessel of the United States is navigated while subject to the Great Lakes Agreement, a test communication to demonstrate that the radiotelephone installation is in proper operating condition for an emergency shall be made by a certified person who is required in accordance with section 8.158, unless the normal daily use of the equipment demonstrates that this installation is in proper operating condition for that purpose. Should the equipment be found at any time by some person other than the master not to be in proper operating condition for an emergency, the master shall be promptly notified thereof. A record shall be made in the radio station log provided for by § 8.368 (c) showing the operating condition of the equipment as determined by either the daily normal communication or the daily test communication referred to above, and showing that, if an improper operating condition was found, the master was properly notified thereof.

[F. R. Doc. 54-4612; Filed, June 16, 1954; 8:53 a. m.]

[47 CFR Part 12]

[Docket No. 11060; FCC 54-716]

AMATEUR RADIO SERVICE

ELIGIBILITY TO HOLD AMATEUR OPERATOR LICENSES

In the matter of amendment of Part 12 of the Commission's rules concerning eligibility to hold amateur operator licenses; Docket No. 11060.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with the Commission's statutory authority to prescribe the qualifications of amateur radio operators, the Commission proposes to amend § 12.21 of its rules so as to make ineligible to hold an amateur radio operator's license any person who is a member of the Communist Party or any organization which has been required to register as a Communist-action or Communist-front organization under the provisions of the Internal Security Act of 1950 (50 U. S. C. 786), or any organization which advocates or teaches the overthrow of the United States Government or the government of any political subdivision thereof by force and violence.

3. It is also proposed to amend § 12.21 so as to provide that only a person of good moral character will be eligible to hold an amateur radio operator's license. Factors which the Commission proposes to consider in determining the character qualifications of applicants for amateur radio operator licenses include (1) whether or not the person has been a member of the Communist Party or any organization which has been required to register as a Communist-action or Communist-front organization under the provisions of the Internal Security Act of 1950, or any organization which advocates the violent overthrow of the Government by force or violence; (2) whether or not the person has been convicted of any crime which is a felony under the laws of the jurisdiction in which the conviction was secured.

4. In addition, it is proposed to amend the forms for applying for amateur radio operators' licenses to include questions with respect to membership in organizations which teach or advocate overthrow of the Government by force or violence, to provide that all applicants must submit fingerprints with their applications, and to provide that the holders of amateur radio operators' licenses shall be required to answer questions from the Commission during the terms of their licenses concerning any of the eligibility factors set forth in the Commission's rules.

5. These proposed amendments are issued pursuant to the authority of sections 4 (1), 303 (1) and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested party may file with the Commission on or before July 19, 1954, a written statement or brief setting forth comment in favor or opposed to the proposed amendments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the

filing of such additional comments is established. The Commission will consider all such comments, briefs, and statements before taking final action. If any comments are received which appear to warrant the Commission in holding oral argument before final action is taken, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 10, 1954.

Released: June 11, 1954.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-4613; Filed, June 16, 1954; 8:53 a. m.]

[47 CFR Part 13]

[Docket No. 11058; FCC 54-714]

COMMERCIAL RADIO OPERATORS

RESTRICTED RADIOTELEPHONE OPERATOR PERMITS

In the matter of amendment of § 13.61 of the Commission's rules governing Commercial Radio Operators, Docket No. 11058.

Notice is hereby given of proposed rule-making in the above-entitled matter.

The Commission has under consideration the need for certification of operators of radiotelephone installations required to be carried on board vessels coming under the Agreement between the United States and Canada for Promotion of Safety on the Great Lakes by means of Radio which will become effective November 13, 1954.

With respect to the grade of operator or operators required, the above-mentioned Agreement provides that an operator "shall be deemed to have the necessary qualifications if (in addition to ability to speak and understand the English language) he is the holder of a valid operator license or certificate which is the equivalent of, or of a higher class than the restricted radiotelephone operator's certificate valid for the operation of radio transmitting equipment for power in excess of 50 watts as provided by the Atlantic City Radio Regulations." In the Commission's system of operator licenses the radiotelephone third-class operator permit is the equivalent of the international restricted radiotelephone operator's certificate herein described. It may be recalled that in a Public Notice dated January 14, 1954, inviting attention to the operator provisions of the Agreement the Commission suggested that persons wishing to be certified in that connection should obtain the radiotelephone third-class operator permit. Under the Commission's rules this grade of license is valid for the normal operation of ship radiotelephone stations with authorized antenna power up to and including 250 watts.

Section 13.61 of the Commission's rules which defines the scope of operating authority under the various classes of operator licenses does not, as yet, conform to the requirements of the above-mentioned Agreement and it is now proposed to amend that section, so as to provide for the operation of ship radiotelephone installations coming under the Agreement by holders of a radiotelephone third-class operator permit or a higher grade license. This would be accomplished by amending paragraph (h) so as to prohibit operation of such installations by holders of a lower grade license.

The proposed amendment, which is set forth below, is issued pursuant to the authority contained in sections 4 (i) and 303 (i) and (r) of the Communications Act of 1934, as amended.

Any interested person may file with the Commission on or before July 7, 1954, a written statement or brief in support of, or in opposition to the proposed amendments. Comments or briefs in reply to the original comments or briefs may be filed within ten (10) days from the last day for filing the original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

In accordance with § 1.764 of the Commission's rules relating to practice and procedure, an original and 14 copies of all statements, briefs, or comments should be furnished to the Commission.

Adopted: June 10, 1954.

Released: June 14, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

Section 13.61 (h) of the rules governing Commercial Radio Operators is proposed to be amended to read as follows:

(h) *Restricted radiotelephone operator permit.* Any station except:

(1) Stations transmitting television, or
(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup, broadcast STL, and FM intercity relay stations, or

(4) Ship stations licensed to use telephony for communication with Class I coast stations on frequencies between 4000 kc and 30 Mc, or

(5) Radio stations provided for safety purposes pursuant to treaty on board vessels on the Great Lakes, or

(6) Coast stations other than in the territory of Alaska while employing a frequency below 30 Mc, or

(7) Coast stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts;

(8) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes.

Provided, That, with respect to any station which the holder of this class of license may operate, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 54-4614; Filed, June 16, 1954;
8:53 a. m.]

[47 CFR Part 13]

[Docket No. 11061; FCC 54-717]

COMMERCIAL RADIO OPERATORS

ELIGIBILITY TO HOLD LICENSES OR PERMITS

In the matter of amendment of Part 13 of the Commission's rules concerning eligibility to hold commercial operators' licenses or permits; Docket No. 11061.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with the Commission's statutory authority to prescribe the qualifications of commercial radio operators, the Commission proposes to amend § 13.5 of its rules so as to make ineligible to hold a commercial radio operator's license or permit any person who is a member of the Communist Party or any organization which has been required to register as a Communist-action or Communist-front organization under the provisions of the Internal Security Act of 1950 (50 U. S. C. 786), or any organization which advocates or teaches the overthrow of the United States Government or the government of any political subdivision thereof by force and violence.

3. It is also proposed to amend § 13.5 so as to provide that only a person of good moral character will be eligible to hold a commercial radio operator's license or permit. Factors which the Commission proposes to consider in determining the character qualifications of applicants for commercial radio operator licenses or permits include (1) whether or not the person has been a member of the Communist Party or any organization which has been required to register as a Communist-action or Communist-front organization which advocates the violent overthrow of the Government by force or violence; (2) whether or not the person has been convicted of any crime which is a felony under the laws of the jurisdiction in which the conviction was secured.

4. In addition, it is proposed to amend the forms for applying for commercial radio operators' licenses and permits to include questions with respect to membership in organizations which teach or advocate overthrow of the Government by force or violence, to provide that all applicants must submit fingerprints with their applications, and to provide that the holders of commercial radio operators' licenses or permits shall be required to answer questions from the Commission during the terms of their licenses or permits concerning any of the eligibility factors set forth in the Commission's Rules.

5. These proposed amendments are issued pursuant to the authority of sections 4 (i), 303 (i), 303 (r) of the Communications Act of 1934, as amended.

6. Any interested party may file with the Commission on or before July 19, 1954, a written statement or brief setting forth comment in favor or opposed to the proposed amendments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments, briefs, and statements before taking final action. If any comments are received which appear to warrant the Commission in holding oral argument before final action is taken, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 10, 1954.

Released: June 11, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-4615; Filed, June 16, 1954;
8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF

CALL FOR NOMINATIONS FOR AREAS TO BE
OFFERED FOR OIL AND GAS LEASING

JUNE 11, 1954.

Pursuant to authority prescribed in 43 CFR 201.20, notice is hereby given that nomination of areas to be offered for oil and gas leasing in the outer Continental Shelf off the States of Louisiana and Texas shall be submitted to the Director, Bureau of Land Management, Washington 25, D. C., not later than August 3, 1954, for the areas off Louisiana and not later than September 3, 1954, for areas off Texas. Copies of such nominations shall be sent to the Oil and Gas Supervisor, Geological Survey, Department of the Interior office, Room 1503, Masonic Temple Building, 333 St. Charles Avenue, New Orleans 12, La. Envelopes should be marked "Nominations for leasing in the outer Continental Shelf".

The areas must be identified by block numbers and name of areas as shown on the official leasing maps prepared by the Bureau of Land Management. Properly described subdivisions of blocks may be nominated. Reduced copies of such maps may be procured from the Bureau of Land Management, Washington 25, D. C., or from the Department of the Interior office in New Orleans, La. The official maps and reduced copies thereof, for areas off the State of Texas will not be available prior to August 1, 1954.

The areas selected by the Department of the Interior to be offered for competitive bidding will be published in the FEDERAL REGISTER and other publications after review of the nominations. The published notice of lease offer will state the conditions and terms for leasing (43 CFR 201.20) and the place, date, and hour at which the bids will be opened. Such dates have been tentatively set for October 13, 1954, for the bids received for areas off Louisiana and November 9, 1954, for the bids received for areas off the State of Texas.

EDWARD WOOLEY,
Director.

[F. R. Doc. 54-4582; Filed, June 16, 1954;
8:45 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 515

JUNE 10, 1954.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to sec. 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Area IV, approved by the Acting Secretary of the Interior, August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the

requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

A tract of land situated on Kasitena Bay, more particularly described as follows:

Commencing at a point on the shore of Kasitena Bay located approximately 4,320 feet westerly from Corner No. 2 of U. S. Survey No. 2675; thence southerly 660 feet; thence westerly 330 feet; thence northerly approximately 660 feet; thence easterly following the line of mean high tide for an approximate distance of 330 feet to the point of beginning, containing approximately 5 acres. (Petition for Shorespace Restoration of Valno N. Salo, Anchorage, 023048.)

A tract of land situated on Kasitena Bay, more particularly described as follows:

Commencing at Corner No. 1 which is approximately 5,660 feet southwesterly from Corner No. 2 of U. S. Survey No. 2675; thence southerly along the beach for a distance of 660 feet; thence westerly 330 feet; thence northerly 660 feet; thence easterly 330 feet, and to the point of beginning, containing approximately 5 acres. (Petition for Shorespace Restoration of John A. Ekren, Anchorage 023371.)

A tract of land situated on Peterson Bay, Alaska, more particularly described as follows:

Commencing at a point 1,000 feet north 20° west from Corner No. 1 of U. S. Survey No. 2893; thence 330 feet east to Corner No. 2; thence 660 feet south to Corner No. 3; thence 330 feet west to Corner No. 4; thence following the meanders of the beach in a northerly direction to Corner No. 1, and the point of beginning, containing approximately 5 acres. (Petition for Shorespace Restoration of William A. Eklof, Anchorage 023461.)

SEWARD MERIDIAN

T. 1 S., R. 1 W.,
Sec. 1: Lot 2,
Sec. 2: Lot 1.

Containing approximately 47.31 acres.

FRED J. WEILER,
Area Lands and Minerals Officer.

[F. R. Doc. 54-4583; Filed, June 16, 1954;
8:45 a. m.]

National Park Service

[Order 11]

SUPERINTENDENT, NATIONAL CAPITAL PARKS

DELEGATIONS OF AUTHORITY

JUNE 10, 1954.

SEC. 1. The Superintendent, National Capital Parks, in the administration, operation, and development of the areas and offices under his supervision, is authorized to exercise all of the authority vested in the Director, except with respect to the following matters:

(a) Approval of changes in policies and establishment of new policies.

(b) Approval of construction programs and major changes therein.

(c) Location of new roads.

(d) Appointments and status changes involving personnel in grade GS-10 and higher grades, and superintendents in all grades.

(e) Acquisition of lands, acceptance of donations of personal property valued in excess of \$10,000, acceptance of donations of money in excess of \$10,000, and acceptance of debts or other instruments of title relating thereto.

(f) Acceptance of offers in settlement of timber trespasses.

(g) Sales of timber pursuant to section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3), in excess of \$10,000 for any one transaction.

(h) Functions relating to surplus land pursuant to the Surplus Property Act, as amended (50 U. S. C., App., 1946 ed., Supp. V, sec. 1622 (h)).

(i) Execution of concession contracts and permits in excess of 5 years and approval of transfers of corporate stock.

(j) Execution of permits for the use of national park lands, except revocable special use permits.

(k) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(l) Execution and approval of contracts for construction, supplies, or services in excess of \$50,000.

(m) Disposition of lands or interests therein.

(n) Approval of and signing of correspondence to the Attorney General concerning pleadings, awards, or judgments in condemnation proceedings.

(o) Requests to the Attorney General to render opinions concerning the validity of title pursuant to section 355, Revised Statutes (40 U. S. C., 1946 ed., sec. 255).

(p) Authorization or approval of the attendance of officers or employees at meetings or conventions of members of societies or associations concerned with the work of the National Park Service.

(q) Approval of the use of a Government-owned motor vehicle between the domicile and place of employment of an officer or employee.

(r) Authorization or approval of the payment of dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

(s) Authority to issue general travel authorizations.

SEC. 2. *Redelegation.* The Superintendent, National Capital Parks, may, in writing, redelegate to subordinate officials and employees the authority delegated in section 1. Each redelegation shall be published in the FEDERAL REGISTER.

Sec. 3. Appeal. Any party aggrieved by any action or decision of the Superintendent, National Capital Parks, shall have a right of appeal to the Director. Any such appeal shall be in writing and shall be submitted to the Director within 30 days after receipt by the aggrieved party of notice of the action taken or decision by the Superintendent, National Capital Parks.

(Secretary's Orders Nos. 2586, 2587, 2590, 2621, and Secretary's Orders Nos. 2509, 2512, 2517, 2619, 2635, 2640, 2642, 2696, 2735, as amended; 39 Stat. 535, 16 U. S. C., 1952 ed., sec. 2)

[SEAL]

CONRAD L. WIRTH,
Director.

[F. R. Doc. 54-4584; Filed, June 16, 1954;
8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMAN OF ASC COUNTY COMMITTEES
IN MISSOURI

DELEGATION OF AUTHORITY AS CONTRACTING
OFFICERS

Pursuant to authority vested in the President, Commodity Credit Corporation, by the by-laws of the Corporation, the respective Chairmen, or in their absence the Acting Chairmen, of ASC county committees in the State of Missouri, are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the sale of castor bean seed to farmers, the purchase of castor beans produced by farmers, and the rental or sale of machinery needed in the production or harvesting of castor beans, under the 1954 Castor Bean Production and Procurement Program (19 F. R. 1222) formulated by Commodity Credit Corporation and Commodity Stabilization Service pursuant to the Defense Production Act of 1950, as amended.

The foregoing authority as contracting officers shall be exercised in accordance with instructions, issued by the Vice President of CCC who is Deputy Administrator for Production Adjustment, CSS, which shall be available for public inspection in the files of the ASC county offices in Missouri where this authorization is effective.

Issued this 14th day of June 1954.

[SEAL]

J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-4620; Filed, June 16, 1954;
8:55 a. m.]

CHAIRMAN OF ASC COMMITTEES IN
COTTON-PRODUCING STATES
DELEGATION OF AUTHORITY AS CONTRACTING
OFFICERS

Pursuant to authority vested in the Executive Vice President, Commodity Credit Corporation, by the bylaws of the Corporation, the respective chairmen, or

in their absence the acting chairmen, of the Agricultural Stabilization and Conservation County Committees in the cotton-producing States are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the purchase, transportation, handling, and storage of cottonseed prior to the delivery of such cottonseed to a participating oil miller or an approved storage facility under the 1954-Crop Cottonseed Purchase Program formulated by Commodity Credit Corporation and Commodity Stabilization Service.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the appropriate Vice President of Commodity Credit Corporation, which shall be available for public inspection in the files of the Agricultural Stabilization and Conservation county offices in the respective cotton-producing States.

Issued this 14th day of June 1954.

[SEAL]

J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-4622; Filed, June 16, 1954;
8:55 a. m.]

Office of the Secretary

IDAHO

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it is found that in Boundary County, Idaho, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

After December 31, 1955, loans under section 2 (a) of Public Law 38, 81st Congress, will not be made in the above named county except to borrowers who previously received such assistance.

Done at Washington, D. C., this 14th day of June 1954.

[SEAL]

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-4599; Filed, June 16, 1954;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5773 et al.]

BONANZA AIR LINES, INC.; CERTIFICATE RENEWAL CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 13, 1954, at 10:00 a. m., d. s. t., in room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets

NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 14, 1954.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-4632; Filed, June 16, 1954;
8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6390]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER EXTENDING TIME FOR FILING APPLICATIONS

JUNE 11, 1954.

Notice is hereby given that on June 7, 1954, the Federal Power Commission issued its order adopted June 3, 1954, extending time to and including May 30, 1955, for filing application or applications for licenses for major projects in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-4585; Filed, June 16, 1954;
8:46 a. m.]

[Docket No. E-6435]

SOUTHERN UTAH POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING RENEWAL OF SHORT-TERM PROMISSORY NOTE

JUNE 11, 1954.

Notice is hereby given that on June 7, 1954, the Federal Power Commission issued its order adopted June 4, 1954, authorizing renewal of short-term promissory note in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-4586; Filed, June 16, 1954;
8:46 a. m.]

[Docket No. E-6562]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 11, 1954.

Notice is hereby given that on June 7, 1954, the Federal Power Commission issued its order adopted June 4, 1954, authorizing issuance of securities in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-4587; Filed, June 16, 1954;
8:47 a. m.]

[Docket No. G-2078]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER ACCEPTING TARIFF SHEETS FOR FILING AND GRANTING STAY

JUNE 11, 1954.

Notice is hereby given that on June 7, 1954, the Federal Power Commission

issued its order adopted June 3, 1954, accepting tariff sheets for filing, and granting stay of paragraphs (C) and (D) of the order issued March 4, 1954 (19 F. R. 1399), in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-4588; Filed, June 16, 1954;
8:47 a. m.]

[Docket No. G-2396]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

JUNE 11, 1954.

Notice is hereby given that on June 8, 1954, the Federal Power Commission issued its order adopted June 4, 1954, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-4589; Filed, June 16, 1954;
8:47 a. m.]

[Docket No. G-2398]

PHILADELPHIA ELECTRIC CO.

NOTICE OF FINDINGS AND ORDER

JUNE 11, 1954.

Notice is hereby given that on June 7, 1954, the Federal Power Commission issued its order adopted June 3, 1954, in the above-entitled matter, permitting and approving abandonment of natural gas facilities, and sale of gas to Delaware Light and Power Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-4590; Filed, June 16, 1954;
8:47 a. m.]

[Project No. 2078]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF ORDER ALLOWING WITHDRAWAL
OF APPLICATION FOR LICENSE (MAJOR)

JUNE 11, 1954.

Notice is hereby given that on June 8, 1954, the Federal Power Commission issued its order adopted June 3, 1954, allowing withdrawal of application for license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-4591; Filed, June 16, 1954;
8:47 a. m.]

[Docket No. E-6560]

CITY OF TACOMA, WASH.

NOTICE OF DECLARATION OF INTENTION

JUNE 10, 1954.

Public notice is hereby given that City of Tacoma, Washington, has filed declaration of intention, Docket No. E-6560, under the Federal Power Act (16 U. S. C. 791a-825r) to construct a project to be known as the South Fork Development

located approximately fifteen miles northwest of Shelton and seven miles west of Pottlatch, Washington, on the South Fork of the Skokomish River, a tributary to Hood Canal in Mason County, Washington, consisting of a dam 312 feet above river level approximately 500 feet long with spillway, impounding a reservoir having a maximum normal level of 735 feet above sea level with an approximate usable storage capacity of 180,000 acre-feet, a tunnel approximately 12 feet in diameter and about 4 miles long leading from the proposed intake works on the easterly side of the proposed South Fork Storage Reservoir to the proposed outlet works on the westerly side of declarant's existing Lake Cushman Reservoir. Declarant proposes to divert the flow of the South Fork of the Skokomish River to supplement the flow of declarant's hydroelectric developments on the North Fork of the Skokomish River for the purpose of increasing the generation of electrical energy for municipal power and light. The declaration is on file with the Commission for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is July 19, 1954.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-4600; Filed, June 16, 1954;
8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3257]

CONNECTICUT RIVER POWER CO. AND
NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF PROPOSED ISSUANCE AND SALE
OF SHORT-TERM UNSECURED PROMISSORY
NOTES TO PARENT COMPANY AND TO BANKS

JUNE 11, 1954.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Connecticut River Power Company ("Connecticut"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). The applicants-declarants have designated sections 7, 10, and 12 (f) of the act and Rules U-23, U-42 (b) (2), U-43 (a), U-45 (b) (1) and U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Connecticut proposes to issue during the period beginning July 1, 1954 and ending December 31, 1954, unsecured promissory notes in the aggregate principal amount of \$14,300,000. The notes are proposed to be issued as a result of loans up to an amount not exceeding \$13,450,000 from banks and the balance from NEES. Each of said notes will mature not later than March 31, 1955,

and will bear interest at the prime rate at the time of issuance thereof. It is stated that the present prime interest rate is 3 percent per annum.

According to the application-declaration Connecticut expects that at June 30, 1954, it will have outstanding short-term debt aggregating \$10,000,000 of which \$5,450,000 is payable to banks and \$4,550,000 is payable to NEES. The proceeds derived from the notes proposed to be issued will be used by Connecticut to pay at maturity the \$5,450,000 of short-term notes held by banks and \$850,000 of such notes held by NEES and the balance for construction purposes. Connecticut has stipulated that the maximum amount of short-term debt which it will have outstanding at any one time during 1954 will not exceed \$13,450,000 with banks and \$4,550,000 with NEES and that if any permanent financing is done prior to March 31, 1955, the proceeds derived therefrom will be applied in reduction of, or in total payment of, short-term indebtedness then outstanding, and the amount of the then authorized but unissued short-term debt will be reduced by the amount, if any, by which such permanent financing exceeds the amount of the then outstanding short-term indebtedness.

The application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$1,000 for Connecticut and \$200 for NEES, or an aggregate of \$1,200.

The application-declaration further states that the Public Utilities Commission of New Hampshire and the Public Service Commission of Vermont have jurisdiction with respect to the notes proposed to be issued and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicants-declarants request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than June 28, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-4594; Filed, June 16, 1954;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 53]

INTERCOASTAL STEAMSHIP FREIGHT ASSOCIATION

APPLICATION FOR APPROVAL OF AGREEMENT

JUNE 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed June 10, 1954 by: Thomas J. Callanan, Attorney-in-Fact, 80 Broad Street, New York 4, N. Y.

Agreement involved: An agreement between and among common carriers by water, members of the Intercoastal Steamship Freight Association, relating to rates, rules, and regulations applicable to the transportation of property in intercoastal commerce between points and ports along the Atlantic Coast and the Pacific Coast of the United States, and procedures for the joint consideration, initiation, or establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Secretary.[P. R. Doc. 54-4618; Filed, June 16, 1954;
8:54 a. m.]

[No. 31544]

AUGUSTA PIPE LINE COMPANY ET AL.

APPLICATION FOR APPROVAL OF AGREEMENT WITH RESPECT TO TRANSPORTATION OF REFINED PETROLEUM PRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of June A. D. 1954.

By application filed May 28, 1954, the Augusta Pipe Line Company, Kanab Pipe Line Company, and the Great Lakes Pipe Line Company request the Commission to approve and authorize, under section 5 (1) of the Interstate Commerce Act, if the provisions of that section are applicable, an agreement between the said pipe line companies for a pooling or division of their traffic, service and earnings to the extent and under the conditions specified in the application. The transportation affected is transportation of refined petroleum products

tation of refined petroleum products from Arkansas City, Kansas, Augusta, Kansas and certain other points in that State, including El Dorado and Humbolt, to points in Kansas, Iowa, Illinois, Minnesota, Nebraska, South Dakota, and North Dakota, via joint routes by pipe lines of the applicants and via a single-line route of the Great Lakes Pipe Line Company.

Because of possible congestion of the pipe line affected due to offers of a volume of traffic in excess of the capacity of the line of the Great Lakes Pipe Line Company between El Dorado and Humbolt the latter company may be compelled to impose embargoes against shippers using the joint-line routes, which will cause the Augusta and the Kanab pipe line companies to lose substantial amounts of traffic during the embargo periods and substantial decreases in their revenues.

Under the proposed agreement the Great Lakes Pipe Line Company will transport refined petroleum traffic from Arkansas City over its single-line route through Ponca City, Oklahoma instead of over the joint-line route of the Augusta, Kanab, and Great Lakes pipe lines through Augusta, and El Dorado and Humbolt and pay to Augusta Pipe Line Company, on traffic so diverted, an amount equivalent to the divisions Augusta and Kanab would receive out of the joint through rates applicable over the joint through rate.

The shippers that would be affected by the proposed arrangement have filed statements that they interpose no objections thereto, and consent to a determination of the matter upon the application as submitted;

It appearing, that emergency conditions exist, or may shortly exist, that may cause the Great Lakes Pipe Line Company to impose embargoes on shipments of refined petroleum products from the Kansas origin points named; and,

It further appearing, that all the carriers by pipeline involved have assented to the arrangement for diverting shipments and the pooling or division of earnings therefrom as specified in the agreement and that the arrangement appears to be in the interest of better service to the public and that it will not unduly restrain competition, for the period herein specified:

It is ordered, That the agreement be, and it is hereby, approved and authorized, pending further hearing in the matter, for a period extending to and concluding August 10, 1954; and

It is further ordered, That this proceeding be, and it is hereby, set for further hearing on July 15, 1954, at 9:30 a. m., U. S. s. t. (9:30 a. m., District of Columbia d. s. t.), at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner Howard Hosmer.

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Secretary.[P. R. Doc. 54-4619; Filed, June 16, 1954;
8:54 a. m.]

[4th Sec. Application 29343]

PULPBOARD OR FIBREBOARD, AND PAPER BOXES, FROM KRANNERT, GA., TO CAIRO, ILL., AND EVANSVILLE, IND.

APPLICATION FOR RELIEF

JUNE 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, also boxes, fibreboard, pulpboard or strawboard (paper boxes), and cartons, bottle carrying, carloads.

From: Krannert, Ga.

To: Cairo, Ill., and Evansville, Ind.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1218, supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.[P. R. Doc. 54-4601; Filed, June 16, 1954;
8:50 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 40]

FORT WORTH AND DENVER RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Fort Worth and Denver Railway Company, due to washout between Wellington and Pampa, Texas, is unable to transport traffic routed over its lines destined to Shamrock and Pampa, Texas: It is ordered, That:

(a) Rerouting traffic: The Fort Worth and Denver Railway Company is hereby authorized to reroute or divert traffic moving on its lines, due to washout between Wellington and Pampa, Texas, over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation

tion officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 5:00 p. m., June 10, 1954.

(g) Expiration date: This order shall expire at 5:00 p. m., June 24, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 10, 1954.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 54-4608; Filed, June 16, 1954;
8:52 a. m.]

[4th Sec. Application 29344]

PULPBOARD OR FIBREBOARD FROM KALAMAZOO, MICH., TO JACKSON AND MERIDIAN, MISS.

APPLICATION FOR RELIEF

JUNE 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Kalamazoo, Mich.
To: Jackson and Meridian, Miss.
Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4602; Filed, June 16, 1954;
8:50 a. m.]

[4th Sec. Application 29345]

ALCOHOL AND RELATED ARTICLES FROM POINTS IN LOUISIANA TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

JUNE 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 400, pursuant to fourth-section order No. 16101.

Commodities involved: Alcohol and related articles, carloads and tank-car loads.

From: Baton Rouge, north Baton Rouge, Chalmette and New Orleans, La., and points taking New Orleans rates.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Rail competition, circuitry, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

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By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4603; Filed, June 16, 1954;
8:51 a. m.]

[4th Sec. Application 29346]

ZINC ANODES AND SELLER FROM AMARILLO AND MACHOVEC, TEX., TO INDIANA AND ILLINOIS

APPLICATION FOR RELIEF

JUNE 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Zinc anodes and zinc spelter, pig or slab, carloads.

From: Amarillo and Machovec, Texas. To: Specified points in Illinois and Indiana.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4045, supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4604; Filed, June 16, 1954;
8:51 a. m.]

[4th Sec. Application 29347]

IRON AND STEEL ARTICLES FROM TEXAS TO FLORIDA

APPLICATION FOR RELIEF

JUNE 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4108.

Commodities involved: Iron and steel articles, carloads.

From: Points in Texas.

To: Points in Florida.

Grounds for relief: Rail competition, circuitry, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4605; Filed, June 16, 1954;
8:51 a. m.]

[4th Sec. Application 29348]

COAL FROM KENTUCKY AND VIRGINIA TO
GEORGIA

APPLICATION FOR RELIEF

JUNE 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Coal, carloads.

From: Mines in Kentucky and Virginia.

To: Specified points in Georgia.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: Carolina, Clinchfield and Ohio Railway Company, I. C. C. No. 205, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4606; Filed, June 16, 1954;
8:51 a. m.]

[4th Sec. Application 29349]

SOYBEAN OIL FROM ILLINOIS, INDIANA, AND
OHIO TO TORONTO AND HAMILTON, ON-
TARIO AND MONTREAL, QUEBEC

APPLICATION FOR RELIEF

JUNE 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Soybean oil, carloads and tank-car loads.

From: Points in Illinois, Indiana, and Ohio.

To: Hamilton and Toronto, Ontario, and Montreal, Quebec, Canada.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4460, supp. 42; W. J. Prueter, Agent, I. C. C. No. A-3723, supp. 91; A. C. & Y. Railway, I. C. C. No. 451, supp. 24; B. & O. Railroad, I. C. C. No. 24045, supp. 38; C. & O. Railway, I. C. C. No. 13168, supp. 165; C. I. & L. Railway, I. C. C. No. 4812, supp. 7; C. S. S. & S. B. Railroad, I. C. C. No. 210, supp. 12; D. & T. S. L. Railroad, I. C. C. No. 1342, supp. 8; D. T. & I. Railroad, I. C. C. No. 745, supp. 17; Erie Railroad, I. C. C. No. A-7807, supp. 11; I. C. Railroad, I. C. C. No. A-11567, supp. 66; N. Y. C. Railroad, I. C. C. No. 1209, supp. 69; N. Y. C. & St. L. Railroad, I. C. C. No. 6195, supp. 25; P. R. R., I. C. C. No. 3195, supp. 46; Wab. Railroad, I. C. C. No. 7673, supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4607; Filed, June 16, 1954;
8:51 a. m.]

